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PUBLIC HEARING MEMORANDUM

DATE: August 14, 2015

MEETING DATES: August 20, 2015

TO: Zoning Board of Appeals

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning

COPIED: Mayor Setti D. Warren
Dan Violi, Chair, Newton Housing Partnership
Aldermen from Wards 3 and 4

SUBJECT: Zoning Board of Appeals **Application #11-14**, Dinosaur Rowe, LLC (hereinafter the "Applicant") hereby applies to the Board of Appeals of the City of Newton, Massachusetts, pursuant to General Laws, Chapter 40B, Section 20 through 23, as amended, for the issuance of a Comprehensive Permit allowing the applicant to construct 135 apartment style rental units on land located at 70 Rowe Street in Newton, Massachusetts. The property is located in a Business 2 district.

The purpose of this memorandum is to provide the Zoning Board of Appeals, the Board of Aldermen and the public with technical information and planning analysis which may be useful in the comprehensive permit decision making process. The Planning Department's intention is to provide a balanced view of the issues with the information it



has at the time of the public hearing. There may be other information presented at or after the public hearings that the Zoning Board of Appeals and Board of Aldermen will want to consider in its discussion at a subsequent Public Hearing(s)/Working Session(s).

EXECUTIVE SUMMARY

The applicant, Dinosaur Rowe LLC, is requesting a comprehensive permit pursuant to Massachusetts General Laws Chapter 40B, Sections 20 through 23, to allow for the development of 135 rental units in a single multi-family building located at 70 Rowe Street in Newton. The comprehensive permit application was filed on November 5, 2014, and the public hearing was opened on December 4, 2014. On December 18, 2014, the Zoning Board of Appeals (the Board, or the ZBA) notified the developer that the town had achieved the safe harbor 1.5% land area minimum threshold contained in M.G.L. c. 40B, §20 for land on which low or moderate income housing exists. The developer, challenged this assertion by filing an appeal with the Department of Housing and Community Development (DHCD). On January 23, 2015, DHCD issued a decision finding that the Board did not provide sufficient facts and documentation as to the land that merits inclusion and exclusion from its 1.5% calculation and therefore DHCD did not have adequate information to determine that the regulatory requirements were satisfied, and that the Board has not met its burden of proof in its assertion that a denial or imposition of conditions or requirements would be consistent with local needs. On February 12, 2015, the Board appealed DHCD's decision to the Housing Appeals Committee (HAC), which had the effect of staying the public hearing until the conclusion of the appeal. HAC concluded that Newton has not achieved the 1.5% general land area minimum and remanded the comprehensive permit to the Board for further proceedings. In accordance with the HAC's ruling, the Board will reconvene the public hearings and hear the comprehensive permit application.

The subject property consists of 109,248 square feet of land (2.51 acres) and currently contains three structures and accessory parking areas that were used for a commercial contracting/construction company that operated on the site for many years. Dinosaur Capital Partners LLC (AKA Dinosaur Rowe LLC) now owns this site.

This portion of Rowe Street can be characterized as industrial in nature, and although it offers proximate access to the regional highway network, it is somewhat isolated from the surrounding local road network - making access to a residential development of this scale a challenge. Rowe Street is a 45-foot wide private way with rights to the four commercial abutters (the Whites/Dinosaur, Fowler, Finagle a Bagel, and Weinberg/Virdian) and connects Crescent Street to the east and Rowe Street to the west. Access to the site is proposed via a driveway on Rowe Street at the west end of the site. Emergency access and a turnaround loop are to be provided at the east end of the site which dead ends at Crescent Street, which is a one-way street from Webster Street to Rowe Street and severely limits travel options for vehicles leaving the site. Twenty percent of the proposed 135 units (27 units) would be affordable in perpetuity to households earning less than 50% of Area Median Income (AMI), which is identified as a high priority need in the City's Consolidated Plan. The three- and four-story building would be built over a partially below-grade parking garage which contains 102

parking spaces. An additional 80 parking spaces would be provided on grade for a total of 182 parking spaces or 1.35 parking spaces per dwelling unit. In addition to the apartments, the project contains just over 5,000 square feet of common indoor amenity spaces containing a café, resident lounge, fitness facilities, a dance/yoga studio, a co-working area and conference room as well as the management/rental office. A common rooftop deck and fenced outdoor courtyard encloses an outdoor pool, patio and lawn area. A children's play area open to the public is located on the east side of the site.

To develop the project as proposed, the applicant is seeking approvals and waivers from various provisions of the City of Newton's Zoning Ordinance (**Attachment A**) through the Zoning Board of Appeals (ZBA). The applicant submitted a Traffic Access and Impact Study, a Parking Assessment, a Phase 1 and Phase 2 Environmental Study and a Stormwater Report as part of their application. In addition to City staff, the City hired an outside consultant, Howard/Stein-Hudson Associates, Inc. (HSH), to perform an independent peer review of the Traffic and Parking information submitted by the applicant.

Newton has always been deeply committed to the creation of affordable housing opportunities and welcomes well-planned comprehensive permits at appropriate locations that are fittingly designed for the existing neighborhood context, in keeping with Newton's *Comprehensive Plan*. Recent demographic data suggests a growing need for more diverse housing in Newton and the region, which is well served by single-family homes, but offers less options for those just entering the workforce, those at the other end of the spectrum who may want to downsize in their community, or people that are looking for accessible or adaptable single-floor living. Over 1,000 households are on affordable housing waitlists in Newton and the Planning Department supports providing housing opportunities for households earning 50% or less of AMI. Additionally, the objectives of the City's *Consolidated Plan*, including fair housing, have been considered in this review.

However, not every site is appropriate for residential use and Rowe Street offers complicated trade-offs. The immediate area is a small but significant Business zone with proximate access to the regional highway network and the Planning Department is concerned about lost opportunity with the conversion of this site from commercial to residential use. Because Newton is so highly valued as a place to live, the City is experiencing an enormous amount of residential development pressure on our commercially-zoned land throughout the City. Since the City is predominantly a residential suburb, the limited real estate zoned for commercial use is vital to ensuring a strong commercial tax base to provide services for our residents. The Planning Department is also concerned that the loss of this commercial site may compromise this area's fiscal value to the City by the introduction of a large residential use in this area which may not coexist easily with existing commercial uses.

The Zoning Board of Appeals must balance planning concerns against the regional need for affordable housing and this project as currently proposed appears to have some impacts that need to be mitigated. The proposed project is a relatively large development for the City and has commensurably large impacts. The proposed number of units and resulting vehicle trips may negatively impact already constrained local roadways and intersections during peak hours and represents a significant

increase in intensity of the use of this street. Many of the surrounding roads are narrow and lack sidewalks, pedestrian crossings and bike lanes. Should this project move forward the applicant should work with the City's Transportation Division to scope out multi-modal transportation access improvements that can be made by the applicant to improve the surrounding neighborhood and mitigate the additional vehicular traffic associated with the project.

The Planning Department also believes that while a three-story building may be appropriate fronting Rowe Street (this project is proposed as 4-stories), any development should step down towards its residential neighbors and offer sufficient setbacks and landscape screening to mitigate the impact of the mass on the residential portion of the neighborhood. This site is bordered by residentially zoned and used land to the north and east and these facades should transition appropriately to these abutters. Should the Zoning Board of Appeals choose to approve this project, the Planning Department believes that the applicant needs to reduce the proposed number of units and further develop a traffic mitigation package; that any reduction in the number of units should be coupled with a comparable reduction in the mass of the structure so that the units do not get larger, and to more successfully transition to the lower density residential neighborhood to the north and east.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

Pursuant to Massachusetts General Laws, Chapter 40B, the comprehensive permit process is designed to enable the development of affordable housing at the local level under flexible rules and streamlined administrative review procedures. Based on the proposed project, the Zoning Board of Appeals should consider whether the approvals and waivers requested by the applicant are reasonable (**Attachment B**). Prior to the close of the public hearing the Planning Department will reconcile the applicant's list of requested waivers with the Zoning Code Official's list.

Other regulations required by the laws of the Commonwealth of Massachusetts still apply, and it will be the responsibility of the applicant to ensure compliance with those applicable regulations.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on the private way portion of Rowe Street between Crescent Street and the public way portion of Rowe Street and is zoned Business 2. This block would be characterized as industrial in nature. To the south of the site on the private way are commercial and industrial land uses that abut the Massachusetts Turnpike, and abutting the property to the west is a parking lot. The commercial uses include office space, services and the Finagle a Bagel manufacturing facility. To the west, north and east of the site are single-family and two-family residential land

uses, and one attached dwelling project on Crescent Street (Crescent Fields). The zoning districts in the surrounding neighborhood include Single Residence 3, Multi Residence 1 and 2, Business 2, Manufacturing and Public Use (**Attachments C & D**).

The site is located within three-quarters of a mile of Auburndale's Village Center and West Newton's Village center, two commuter rail stations, and multiple bus lines. The MBTA Green line is approximately 1.5 miles away. The site is also adjacent to the Massachusetts Turnpike with proximate access in both directions. While overall the site provides good access to multiple transportation options and basic goods and services, the project's location at this section of Rowe Street is somewhat isolated in that all vehicle access is limited to Rowe Street which is not well connected to the surrounding streets and is effectively a dead end.

B. Site

The site has approximately 378 feet of frontage on the private way portion of Rowe Street that runs parallel to the Massachusetts Turnpike, and is abutted by residential properties to the north and east, and by a parking lot to the west. The site is accessed from the private way via Crescent Street (one-way street) or the public portion of Rowe Street (two-way street), and also has legal access from Webster Street via Royal Circle. Royal Circle appears to be a City-owned paper street, has not been used as a road for many years, and is currently used by abutting residential properties for yard space. The applicant does not intend to utilize Royal Circle as access for their project.

The 109,263 square foot site (2.5 acres) contains an approximately 6,000 square foot two-story office building, a 2,800 square foot garage and a 2,600 square foot warehouse/storage area, all of which would be demolished. The remainder of the site contains construction trailers, approximately 1.5 acres of paved outdoor storage and parking areas, and a City drain that runs along the eastern property line. The site is mostly paved but is vegetated along the perimeter with mature trees, although many of these trees are in poor condition. The site is generally flat, with an approximately six-foot grade change in the northeast corner of the site. There is an existing Activity and Use Limitation area ("AUL") on the site created by the prior uses that will be remediated by the applicant.

The site is zoned Business 2 and as such does not allow for residential development on the ground floor as a by-right use.

Uses allowed by-right	
office	bakery, retail
retail stores or salesroom banks	dwelling units above the first floor
theatres	accessory parking facilities
hall or club	wholesale business or storage warehouse
service establishments	bowling alley
dry cleaning or laundry	office of a contractor
restaurants with less than 50 seats	
Uses allowed by special permit	
hospital	garage repair shop
laboratory	indoor motor vehicle sales and service facility
restaurant with more than 50 seats	areas for outside storage
hotel	fast food establishment
multi-family dwelling	place of amusement or assembly
open-air business	veterinary hospital or
elderly housing with services	other similar uses
fuel establishment	

The multi-family dwelling use (allowed by special permit) is the only strictly residential use allowed in the Business 2 zoning district, and requires a minimum of 1,200 square feet of lot area per unit. The dimensional controls for the site allow for buildings with two stories and a building height of 24 feet by-right, and four stories and a height of 48 feet by special permit. The by-right floor area ratio ("FAR") for the site is 1.00 and the FAR allowed by special permit is 2.0.

The applicant recently entered into a lease and applied for a building permit to convert the site into a commercial parking facility for Verizon New England, Inc., utilizing the existing buildings on site which would be renovated or reconstructed, and 143 parking stalls to be utilized by Verizon vehicles and employees. The Verizon application is viewed as an interim use while the applicant seeks permits to allow for the construction of the proposed comprehensive permit project. Although a parking facility is not a use the Planning Department believes is advantageous to the City or neighborhood, this use does not prohibit the redevelopment of this site with a commercial office building or

some other highest and best use at a future point in time, whereas the development of a large multi-family structure effectively precludes future development on this site.

III. ANALYSIS AND REVIEW CRITERIA

A. Chapter 774 Criteria – Assessment of Housing Needs

Chapter 774 of the Acts of 1969 (M.G.L. c.40B s.20-23) establishes three criteria by which the need for affordable housing in a particular community is measured. These three criteria are: 1) more than 10% of housing units in a community are utilized for affordable housing; 2) 1.5% or more of the land area zoned for residential, commercial or industrial use (excluding statutory exempt land) contains affordable housing; and 3) the land area developed for affordable housing in any one calendar year does not exceed 3/10 of one percent of total land area (as determined by #2 above) or 10 acres, whichever is larger.

The State-mandated goal for affordable housing is 10% of a community's housing stock. As of December 5, 2014, DHCD states that Newton has a total of 2,438 affordable housing units, or 7.5% of the total year-round housing stock (32,346 units according to the 2010 U.S. Census). As proposed, this project would increase the supply of deed-restricted, affordable units in the City by 27, and all of the 135 proposed units would be eligible to be included on the State Subsidized Housing Inventory (SHI) bringing the percent of affordable units up to approximately 7.9% upon completion of the project.

The HAC has ruled that the amount of affordable housing in the City of Newton does not yet meet the second of the three above-mentioned criteria.

The proposal would not result in development of affordable housing on sites that constitute more than 3/10 of one percent of the total land area in one year.

The Zoning Board of Appeals recently approved the 75 and 83 Court Street project with nine affordable for-sale units, as well as 12 and 18-20 Curve Street with seven deed restricted units, and the Board of Aldermen recently approved the Kessler Woods development on LaGrange Street which will include 13 affordable units. Additionally, there are currently a number of other projects in the pipeline or that are under review by the Zoning Board of Appeals and the Board of Aldermen.

B. The Health and Safety of the Residents of the Proposed Housing and the Current Residents of the City

a. Structural soundness of the proposed buildings

The submitted site plan depicts the construction of a single multi-family structure including 135 rental units, just over 5,000 square feet of indoor amenity space, and accessory parking. The foundation and parking garage will be poured concrete finished with a stone veneer on the exterior. The three- and four-story structure designed above the podium will be constructed of

wood framed construction, and the façade treatments for this portion of the structure will be clad with a combination of fiber cement lap siding and composite metal panels. The top story is proposed to be clad in metal shingles.

The Planning Department has no concerns with the structural soundness of the proposed buildings at this time. Prior to the issuance of any building permits, the applicant will be required to file final construction drawings and details, which will need to be stamped by licensed professionals, for review and approval by the Inspectional Services Department and the Engineering Division of Public Works.

b. Adequacy of sewage disposal

According to the submitted plans and supporting application materials, the applicant is proposing to install new 6-inch sanitary sewer service on the site to accommodate the proposed residential development. The City's Associate City Engineer has reviewed plans in their attached memorandum (**Attachment E**).

Final plans will need to be reviewed and approved by the Engineering Division of Public Works prior to the issuance of any building permits.

The applicant should specify how trash and recycling will be handled.

c. Adequacy of handling water runoff

The applicant is proposing to accommodate all runoff on-site and the site has been designed to meet the 100-year storm event as required by the Engineering Division of Public Works. The proposed garage is located above the existing groundwater elevation and should not create any off-site water displacement issues for abutters.

Nevertheless, the Engineering division raises a number of concerns with the applicant's proposed drainage system and the Planning Department recommends the ZBA consider requesting a peer review of the applicant's drainage plan in time for the next ZBA meeting, in order to assure the public that there will be no flooding of basements due to the proposed underground garage or groundwater mounding.

Although flooding and ponding has been reported in the immediate area during heavy rainstorms, the City's 2012 replacement of a failed 16-inch drain pipe in a 10-foot easement along the site's eastern boundary has alleviated much of the problem according to the Public Works Department. Subsequent flooding has been remediated by cleaning clogged catch basins. Should the Zoning Board of Appeals choose to approve this project the applicant should be responsible for inspecting, cleaning and maintaining nearby catch basins on an annual basis.

d. Adequacy of fire protection

The project has been reviewed by the City's Fire Department and according to the City's Assistant Fire Chief, the project meets the requirements for access and water. The applicant has agreed to install a hydrant on site and construction drawings will be further reviewed and approved by the Fire Department prior to the issuance of any building permits.

The Planning Department notes that the snow storage area appears to conflict with the emergency access lane. This concern should be resolved or further clarified prior to the close of the public hearing.

e. Adequacy of handling traffic generated by the project on adjacent streets

The project site is located close to the Auburndale village center and is also proximate to the West Newton village center. It should be noted that many of the proximate intersections such as Commonwealth Avenue and Lexington Street, Commonwealth Avenue at Auburn Street, Commonwealth Avenue at Rowe Street, Webster Street at Elm Street, and Auburn Street at Washington Street currently operate below acceptable levels of service under existing conditions at certain times of the day.

The applicant provided a detailed Traffic Impact and Access Study, developed by Vanasse Hangen Brustlin, Inc. (VHB), evaluating the potential impacts associated with the proposed project including the project's trip generation and traffic volumes (or level of service (LOS)) for the surrounding road network (study area). To determine the LOS within the study area, VHB studied traffic capacity of ten intersections for the 2014 Existing, 2021 No Build (with seven year regional growth projection plus anticipated project traffic such as Riverside and the redevelopment of the Turtle Lane Playhouse site), and 2021 Build (No Build plus projected traffic volumes from the project) scenarios.

Based on the analysis, it appears the project will generate approximately 942 new vehicles per day on a typical weekday. Of those vehicles, the anticipated new trips on a peak weekday morning and evening hour are projected to be 70 vehicles per hour and 92 vehicles per hour respectively.

In order to help the City assess the impact of this project on surrounding local roadways the City hired Howard/Stein-Hudson Associates, Inc. (HSH), to perform a peer review of the applicant's submittal. HSH's review memorandum is included in this report (**Attachment F**). In general they note the following:

- None of the study area intersections have a recent crash history that indicates significant safety concerns.
- The applicant did not assume that any trips generated by the project would be transit trips in order to present a conservative analysis of the project's impact on the roadway network.

- The applicant's Traffic Impact Study used a 7-year planning horizon which is consistent with City of Newton and MassDOT standards for development projects.
- The applicant used a 0.5% per year background growth rate which is consistent with City of Newton and MassDOT standards.
- The applicant's study includes known projects that may impact the project study area including Riverside and the Turtle Lane Playhouse redevelopment.
- Build conditions represent a condition where the project is built and fully occupied in 2021 and assumes that 100% of project trips are made by automobiles.
- The applicant's study finds and the City's peer review concurs that even in a "worst case" scenario where no residents utilize transit, walk, or bike, the roadway network will continue to operate at similar levels as the No-Build conditions.
- Alternative development scenarios for the project site may generate more daily vehicle trips than the project that is proposed.

Although the City's peer review raises a number of questions that the applicant will have to respond to the conclusions are clear:

- All study intersections operate at the same LOS in the Build conditions as they do in the No-Build conditions. Several individual movements at unsignalized intersections operate at a slightly lower LOS during the Build conditions but this is due to an increase of delay of no more than two seconds.
- Queue lengths appear to be reasonable for all study area intersections except for the Rowe Street southbound approach at the intersection of Commonwealth Avenue Carriage Lane at Rowe Street, which shows queue lengths of 25 vehicles in the existing conditions. The applicant should provide observed queue lengths at this location.

Although the applicant's study indicates that the project will not have a significant effect on traffic operations within the study area, the applicant has noted in the application and traffic study the following enhancements to improve safety and vehicular operations in the study area:

- Contribute \$50,000 to the City to improve the existing intersection geometry at the intersection of Commonwealth Avenue at Rowe Street including realigning and narrowing the existing southbound Rowe Street approach to the intersection to make it more of a standard "T" type approach.
- Improvements to the Rowe Street corridor between Rowe Street (north-

south) and Crescent Street including a pavement overlay, striping, and the construction of a sidewalk on the north side of the street to provide a safe pedestrian facility.

- The applicant is also proposing an on-site Transportation Demand Management (TDM) program to promote alternative modes of transportation and reduce traffic and parking demands for the site.

HSH agrees that the proposed mitigation at the intersection of Commonwealth Avenue and Rowe Street would be a safety and operations improvement at this location in addition to the benefits of additional green space. The applicant should clarify whether the addition of a sidewalk will impact on-street parking and truck turning movements on Rowe Street.

Although the City's consultant is relatively satisfied that the project will not adversely affect existing traffic conditions the City has concerns including that the intersections of Rowe Street (N/S) and Rowe Street (W/E) and Rowe Street (N/S) and Webster Street, which are currently under 4-way stop control and serve as primary access to the site, will be impacted by the traffic generated by this project and need mitigation. We are also concerned that proposed mitigation for the intersection of Commonwealth Avenue and Rowe Street is insufficient to complete the proposed work which needs to be further studied by the Transportation Division of Public Works. The Director of Transportation agrees with the Planning Department's concerns as noted in a memorandum dated December 10, 2014 (**Attachment G**).

f. Proximity of the site to industrial activities which might affect the health of the proposed residents

This site is located one block north of the Massachusetts Turnpike and there is significant truck traffic that frequently accesses this portion of Rowe Street. Although this portion of Rowe Street would be considered industrial in nature, surrounding uses include manufacturing, office, service, storage and warehouse, and do not appear to be detrimental to the health of future residents. Residential uses also exist in close proximity to the site.

Although the proximity of the site to industrial activities is not expected to affect the health of proposed residents the Planning Department has expressed concerns about the loss of the City's commercially zoned land throughout the City and in the immediate neighborhood. This area is unique in that it is a small but significant business zone with good access to the regional highway network. The Planning Department is concerned that the loss of this commercial site may compromise this area's fiscal value to the City and may lead to further multi-family development in the immediate neighborhood. We are also concerned about the ability of a large multi-family use to coexist easily with existing commercial uses and associated truck traffic.

A Phase 1 and Phase 2 environmental site assessment has been completed by VHB and submitted to the City as part of the application. About 15,000 square feet of the site is subject to an environmental Activity and Use Limitation (AUL) due to residual contamination dating from the removal of leaking underground gasoline and oil storage tanks in the late 1980s. In order to be redeveloped as proposed the site will be required to be remediated in full compliance with current federal, state and local regulations and the AUL would be removed.

C. Site and Building Design

a. Height, bulk and placement of the proposed buildings, accessory structures and improvements

The building has been designed as a “C” shaped structure with a prominent façade fronting Rowe Street and a significant façade running the length of the northern property line. The applicant has worked to maintain generous distances with the closest residential abutters and plans include nine townhouse units with separate entries in order to help create a neighborhood scale.

The building is proposed at 48 feet in height, which is the maximum allowed by special permit in the Business 2 zone. The Planning Department has some concerns about the proposed height on Rowe Street where three stories may be more appropriate. However, the Planning Department is very concerned with the building’s lack of transition in scale to adjacent single- and two-family structures to the north and east, and the shadow impact it may have. The Planning Department encourages the applicant to further explore ways to break up the height, mass and uniform appearance of the building, particularly where transitioning to its low-density residential abutters.

Based on the proposed 135 units, the applicant is proposing a density of 809 square feet of lot area per unit. This is significantly lower than the average and median lot area per unit of 2,845 and 1,462 square feet for other approved comprehensive permits in the City in the past decade. Although a multi-family structure requires a special permit in the Business 2 zone the required lot area per unit is 1,200 square feet, which is the minimum the Planning Department would recommend in this neighborhood given existing traffic constraints.

The Planning Department is also concerned with the proximity of exterior parking to abutting properties and recommends the applicant increase the size of the below grade garage to accommodate more parking underground and away from abutters to the north and to increase the amount of open space on site, particularly adjacent to its residential neighbors.

a. Physical characteristics of the proposed housing

The project consists of a single, three- to four-story, multi-family structure

containing 135 dwelling units, but also features approximately 5,000 square feet of amenity space. The proposed unit composition within the structure is provided in the following table:

Residential Unit Breakdown

Unit Type	Number of Units	Percentage of Units	Number of Affordable Units	Percentage of Affordable Units
Studio	18	13%	4	22%
One-Bedroom	54	40%	11	20%
Two-Bedroom	49	36%	10	20%
Three-Bedroom	14	10%	2	14%
Total	135	100%	27	20%

The applicant is proposing to develop seven (5%) of the units as universally accessible and three (2%) of the units as hearing impaired ready, with all the remaining units in the complex easily convertible, per the Massachusetts accessibility code.

Unit Type	Market Rate Size Range	Affordable Size Range
Studio	458-522 sq. ft.	458-512
One-Bedroom	565-764	636-698
Two-Bedroom	832-1129	776-970
Three-Bedroom	1329-1558	1329-1372

The proposed units are well sized for the market and the affordable units appear to be comparably sized and well dispersed throughout the building. The unit mix appears appropriate and the Planning Department strongly supports providing these types and sized units to better diversify its housing stock. The applicant should identify any difference in interior finishes for the market rate and affordable units.

The unit sizes are modest in comparison to some of the recent attached dwelling projects and by-right teardowns the City is experiencing and the Planning Department acknowledges that more multi-family single-level living units are needed in the City which is well served by single family homes and attached dwellings. Nevertheless, this building, the number of units, and the resulting increase in intensity of traffic may have a significant impact on the surrounding neighborhood. The Planning Department encourages the

applicant to consider a significant reduction in the number of units proposed but to also consider a commensurate reduction in the size of the building. A reduction in the number of units without a reduction in the mass of the proposed structure would not be in keeping with the City's interest in diversifying its housing stock while protecting its residential neighborhoods.

The proposed building is oriented south to Rowe Street but the application does not mention any sustainable features of the proposed building or site. The applicant should be prepared to submit additional information on how this building will be sustainable. The Planning Department recommends this project be LEED Certified at the Gold level, similar to the comprehensive permit at 192 Lexington Street.

Based on the roof and elevation plans, the roof system appears to be flat and will contain a substantial amount of mechanical equipment. The applicant should detail how this equipment will be visually and acoustically screened. It is noted that the elevator overheads are not shown on the roof plan and all mechanicals should be shown on the final plan set prior to the close of the public hearing.

b. Physical characteristics of the surrounding land

The surrounding land is developed with a mix of single-, two-family, attached dwelling, and commercial uses. Commercial uses include storage/warehouse distribution, R&D, general office and accessory parking and tend to be one- to two-stories in height. Residential uses tend to be 2-2½-stories in height.

c. Adequacy of access to the site and adequacy of parking arrangements

The applicant is proposing to repave and stripe Rowe Street between Rowe Street (N/S) and Crescent Street, and to construct a sidewalk on the north side of the street assuming they can get the approval of abutters. As pedestrian access and safety will be of paramount concern, the applicant should be prepared to address how this development and proposed streetscape improvements can move forward if agreement is not reached with abutters that have rights along the private way. The Planning Department has not heard from abutting commercial property owners about this project and encourages the applicant to seek their support.

The Planning Department encourages the applicant to incorporate best practices in green streets, complete streets, and low-impact development in any sidewalk and roadway improvements.

It is noted that commercial vehicles including large trucks access Rowe Street with regularity, and the applicant should provide a turning template showing that trucks will still be able to safely load and unload with the proposed new sidewalk, building and additional parking that may occur on this portion of

Rowe Street with the proposed project.

The Planning Department notes that the proposed site plan includes a turn-around area on the east side of its site which is a benefit to the neighborhood as Crescent Street is one way and it has been reported that vehicles are observed driving the wrong way down this street.

The site plan also calls for emergency vehicle access via a driveway on the east side of the property that loops around the building. The Planning Department notes that it may be beneficial to locate a bollard or Opticom operated gate that deters vehicles from entering this driveway. The Planning Department would also recommend that a porous pavement treatment be used for this area to enhance its look as more of a pedestrian path and to further discourage its use as a driveway. As mentioned earlier, the Planning Department notes that a portion of the emergency access roadway is labeled for snow storage which would prevent emergency vehicle access during winter months. An alternative area should be identified for snow storage so as not to interfere with emergency vehicle access.

In terms of parking the applicant is proposing a parking ratio of 1.35 stalls per unit. This may be appropriate given the proposed bedroom mix of this project (53% of units are studios or 1 bedrooms); parking demand is generally lower overall than in previous decades; parking demand is lower in rental complexes than in condominiums or single- or two-family homes; there is an increased preference towards living in walkable, bikeable, and transit-oriented neighborhoods; the increased availability of car sharing and ride sharing services; and an increased desire and ability for some people to work from home. Additionally, buildings like this tend to be attractive to residents only if the site will meet their parking needs, particularly since Newton does not allow overnight parking during the winter months. Nevertheless, the City is concerned that there be sufficient parking for visitors and the applicant should further describe how parking will be allocated to residents. It is expected that the City's peer reviewer will comment further on the proposed parking ratio at the public hearing. The Planning Department notes that the applicant is proposing two parking spaces will be reserved for car sharing services and that two electric vehicle chargers are proposed.

The Planning Department is concerned that a significant number of stalls are located at grade decreasing the amount of open space on site and in close proximity to the property line with abutting residences to the north. The Planning Department suggests the applicant consider a below grade garage that is larger than the footprint of the building in order to increase open space on the northern property line where exterior parking is currently proposed.

The Planning Department is also concerned that a significant number of stalls

are labeled as compact (49%), and therefore do not meet the City's parking stall size requirements. Prior to the close of the public hearing the applicant should submit data justifying the proposed number of compact stalls.

The Planning Department would recommend additional bike parking at grade that is sheltered from the elements.

d. Adequacy of open areas

The applicant notes that 38% of the site is dedicated for open space where the Business 2 zone does not require any. The proposed ratio of open space is in keeping with high-density multi-family projects which generally require between 30% and 50% open space in Newton.

The amount and quality of open space appears sufficient however the Planning Department would like the applicant to increase the width of the landscape area around the proposed parking areas on the north side of the site where parking is proposed very close to the lot line. A better mix of native evergreen and deciduous trees would also better enhance this boundary and help to minimize impacts on abutters as many of the existing trees appear to be in poor health.

The applicant has not provided information on the proposed caliper inches of trees to be removed and planted so that compliance with the Tree Preservation Ordinance can be assured.

The Planning Department notes that a proposed tot-lot play area will be open to the surrounding neighborhood and is a benefit to the project.

D. Economic Need for Housing Units

a. General feasibility of the project

The Massachusetts Housing Partnership is the financing agency that provided the preliminary determination of Project Eligibility that qualifies this proposal for comprehensive permit consideration (**Attachment H**). The preliminary determination is based, in part, on MHP's analysis that the proposal appears "*generally eligible under the requirements of MHP's Permanent Rental Financing Program*" and the proposal also "*appears financially feasible*" on the basis of estimated development and operating costs set forth in a pro forma provided by the Applicant to MHP. It should be noted that the applicant has reduced the number of units in the project since receiving a determination from 150 units to 135 units.

b. Limitations imposed by the financing agency with respect to size or character of the development, amount or nature of the subsidy, and permissible rentals and tenant limits

The MHP did not impose any limits on the proposed project in their

preliminary determination of Project Eligibility. The Planning Department notes that the project was filed with MHP as 150 rental units and has been reduced to 135 units prior to filing with the Zoning Board of Appeals. The applicant is proposing that 20% of the units be affordable to households earning up to 50% of the area median income which has been identified as a need in the City's Consolidated Plan. The affordability requirements will be documented through an affordable housing agreement that will be recorded prior to the mortgage that will run with the Property for a minimum period of thirty (30) years. The Planning Department recommends and the applicant has agreed that the Zoning Board of Appeals condition any approval on requiring that the affordable units remain affordable in perpetuity.

The Newton Housing Partnership (NHP) met with the applicant on August 13, 2014 and decided to withhold making a recommendation on the proposal. It does not appear that the applicant has returned to the Newton Housing Partnership.

The applicant has not requested federal Community Development Block Grant, HOME Investment Partnerships Program, or Community Preservation Act funds from the City as sources of financing for the project.

According to the regulatory agreement that the applicant will execute, if a comprehensive permit is granted, the property may not be converted to a condominium or cooperative form of ownership without modification of the comprehensive permit by the City acting through its Zoning Board of Appeals, and while the loan is outstanding, without prior written consent of MHP.

c. Changes in rents and units sizes of the development which would be necessary to accommodate the requirements and regulations sought to be imposed

The proposal appears to meet all of the requirements of the financing agency as evidenced in MHP's preliminary Determination of Project Eligibility. Proposed rents were not submitted to the City as part of the application.

E. Local Supply of Affordable Housing and Current Projects to Add to Supply

According to DHCD, as shown on the Subsidized Housing Inventory of December 5, 2014, 2,438 of the City's 32,346 housing units, or 7.5%, were included on the Subsidized Housing Inventory. Currently, an additional 146 eligible units are either under review, have been permitted, or are currently under construction. :

Newton's Pipeline of Affordable Units

Address / Project Name	Units Eligible for SHI
------------------------	------------------------

152 Adams Street*	1 unit
Kessler Woods @ Lagrange Street**	13 units
Riverside Station***	44 units
75 & 83 Court Street****	9 units
12 and 18-20 Curve Street***	7 units
47 Goddard Street****	2 units
28 Austin Street****	68 units
54 Taft Avenue****	2 units
TOTAL	146 Units

- * Recently completed
- ** Under construction
- *** Permit granted but not under construction
- **** Under review

F. Landscaping, Lighting, and Fencing

The applicant provided landscaping plans indicating the proposed layout for plantings surrounding the residential structure and proposed parking areas. The proposed landscaping incorporates groups of coniferous and deciduous trees, particularly around the perimeter of the site. The landscape plan indicates the preservation of certain areas of the site with mature trees. However, many trees are in poor condition and are proposed for removal. The plan is unclear on what the caliper inch delta between the removed trees and planted trees will be. Prior to the close of the public hearing this information must be provided in order to determine if any waivers from the Tree Preservation Ordinance are required. Additionally, the Planning Department suggests a greater mix of evergreen and deciduous trees along the northern property line to help break up the long mass of the north wing of the building.

Although a photometric plan was provided as part of the application the plan is illegible and should be resubmitted. Additionally, no photometric information was provided to explain the exterior lighting fixtures proposed for the project. As such, it is unclear what the off-site impacts of lighting will be as a result of the project, and whether the combination of the existing and proposed plantings will be adequate to sufficiently screen the site from abutting properties. The Planning Department is concerned that lighting be kept to a minimum on the north side of the site so as to not negatively impact surrounding residential abutters.

A retaining wall is proposed along the northern end of the site which ranges in

height from two to nine feet. The Planning Department has recommended that the below grade garage be expanded so that this wall can be pushed back from the north property line in favor of increased open space in this area. Prior to the close of the public hearing details including a section and materials of the proposed wall should be submitted to the Planning and Engineering Departments.

The Planning Department notes there is a chain link fence detail on sheet L-003. The applicant should specify where this fence is proposed or is existing. The Planning Department recommends the use of natural materials whenever possible.

IV. PLAN CONSISTENCY

A. Comprehensive Plan

The City values its limited commercially zoned real estate and is concerned about the conversion of this site from commercial to residential use. Based on a review of the *Newton Comprehensive Plan*, the project as proposed does not appear to be consistent with the vision for land zoned for commercial activity. According to the Comprehensive Plan, the “mature build out of the City” makes it “unlikely that much new land area will be available for business growth.”¹ Thus land development “should continue to encourage office and business uses as a means of maintaining the City’s employment and tax base.”² Since the City is predominantly a residential suburb, the real estate zoned for commercial and manufacturing uses is limited and should be maintained to ensure a strong commercial tax base in the City.

In the siting of new residential development, the City has a goal to encourage “Residential development that is well located in relationship to transportation, schools, commercial services, large employers, and existing patterns of residential type and character.”³ The City’s residents, when it comes to development, “are sensitive to the potentially adverse impacts of development, particularly traffic and parking.”⁴ When development occurs in or adjacent to established neighborhoods, the City’s residents are understandably concerned that new housing might adversely impact neighborhood character, quality of life for abutters, or the adequacy of services. Further, to ensure the affordability of housing and the preservation of natural resources, new housing development should be implemented with sustainable design in mind to “lessen the negative environmental impacts of new development, reduce energy demand, and keep

¹ *Newton Comprehensive Plan*, dated 2007, page 3-28.

² *Newton Comprehensive Plan*, dated 2007, page 3-28.

³ *Newton Comprehensive Plan*, dated 2007, page 5-14.

⁴ *Newton Comprehensive Plan*, dated 2007, page 6-6.

ongoing operating and maintenance costs down.”⁵

While the City is supportive of and deeply committed to the creation of affordable housing, and increasing the diversity of housing options in Newton, this type of development needs to be appropriately sited and scaled to minimize the degradation of the quality of life for abutters in the surrounding neighborhood. Furthermore the Planning Department is concerned about the compatibility of a large residential use within an existing commercial area.

V. CONCLUSION AND NEXT STEPS

A. Staff Recommendations

Prior to the close of the public hearing the applicant should address and/or provide supplemental information regarding the following issues:

- Respond to concerns raised regarding the conflict between snow storage and emergency access.
- Work with the Transportation Division of Public Works to alleviate their concerns regarding mitigation and the intersections of Rowe Street (N/S) and Rowe Street (W/E), Rowe Street (N/S) and Webster Street, and Commonwealth Avenue and Rowe Street.
- Explore ways to break up the height, mass, shadowing and uniform appearance of the proposed building, particularly where transitioning to its residential abutters.
- Increase the size of the below grade garage to accommodate more parking underground and away from abutters to the north.
- Respond to staffs concern with the proposed density and its impact on traffic and open space.
- Respond to staff’s recommendation of no less than 1,200 square feet of lot area per unit.
- Consider a significant reduction in the number of units proposed but to also consider a commensurate reduction in the size of the building. A reduction in the number of units without a reduction in the mass of the proposed structure would not be in keeping with the City’s interest in diversifying its housing stock while protecting its residential neighborhoods.
- Respond to staff’s recommendation that this project be LEED Certified at the Gold level.

⁵ *Newton Comprehensive Plan*, dated 2007, page 5-15.

- All mechanicals and their screening should be shown on revised plans.
- Address how this development and proposed streetscape improvements can move forward if agreement is not reached with abutters that have rights along the private way.
- Incorporate best practices in green streets, complete streets, and low-impact development in any sidewalk and roadway improvements.
- Consider porous pavement for the emergency vehicle access and a bollard or Opticom operated gate to deter vehicles from entering this driveway.
- Submit information on the number and size of trees to be removed and planted so that compliance with the Tree Preservation Ordinance is assured.
- Submit a revised photometric plan accounting for exterior lighting fixtures proposed for the exterior of the building.
- Submit details of the proposed retaining wall including a section and proposed materials.
- Respond to any comments and concerns raised by the City's Traffic and Parking Peer Reviewer.
- Address any concerns and issues raised by the Associate City Engineer.
- Consider a peer review of the applicant's drainage plan in time for the next ZBA meeting.
- Explain how trash and recycling will work.
- Add additional exterior bike racks that are sheltered from the elements.
- Identify any difference in interior finishes for the market rate and affordable units.

B. Zoning Board of Appeals

The Code of Massachusetts Regulations 760 CMR 56.05(8) provides that the ZBA is required to render a decision, based on a majority vote within forty (40) days after termination of the public hearing, unless such time period is extended by written agreement of the ZBA and the applicant. The CMR further provides that the hearing is deemed terminated when all public testimony has been received and all information requested by the ZBA has been submitted.

The ZBA may dispose of the application in one of the following ways:

- approve a comprehensive permit on the terms and conditions set forth in the application; or
- deny a comprehensive permit as not consistent with local needs; or

- approve a comprehensive permit with conditions with respect to height, site plan, size, shape or building materials that address matters of local concern, and any other condition consistent with Chapter 40 B, §§ 20-23 and 760 CMR 56.01 et. seq..

ATTACHMENTS

Attachment A:	Zoning Review Memorandum
Attachment B:	Applicant's list of Requested Waivers
Attachment C:	Zoning Map
Attachment D:	Land Use Map
Attachment E:	Engineering Division Review Memorandum
Attachment F:	Howard/Stein-Hudson Associates, Inc. Peer Review of Applicant's Traffic and Parking Data
Attachment G:	Director of Transportation's Review Memorandum
Attachment H:	MHP's Determination of Project Eligibility



Setti D. Warren
Mayor

ATTACHMENT A

City of Newton, Massachusetts

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: November 26, 2014

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Dinosaur Capital Partners LLC
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for a Comprehensive Permit under MGL Chapter 40B to construct a 135-unit multi-family residential dwelling with below-grade parking, common indoor amenity space, a co-working area, conference room and rental office

Applicant: Dinosaur Capital Partners LLC	
Site: 70 Rowe Street	SBL:
Zoning: Business 2	Lot Area: 109,248 square feet
Current use: Office, garage, warehouse and paved storage	Proposed use: 135-unit multi-family residential dwelling and accessory uses

BACKGROUND:

A Comprehensive Permit under MGL Chapter 40B is requested to construct a 135-unit multi-family residential structure at 70 Rowe Street. The property is located within the village of Auburndale off Commonwealth Avenue within the Business 2 zoning district, and is approximately 109,248 square feet with 378 feet of frontage on Rowe Street, a private way.

The property is located in the Business 2 district, at the convergence of long-standing commercial and residential uses. The project site currently contains a 6,000 square foot two-story office building, a 2,768 square foot garage and a 2,618 square foot warehouse, all dating from 1964. All are proposed for demolition. The remainder of the site contains construction trailers and approximately 1.5 acres of paved outdoor storage area, which will all be removed prior to construction. There are office and commercial uses immediately south and west in the Business 2 district and adjacent Manufacturing District. The areas to the north on Webster Street and to the East on Crescent Street are residential in nature, with mostly one- and two-family dwellings.

The applicant proposes to raze the existing structures and site improvements and construct a four-story multi-family structure containing 135 rental units. The project proposes a mix of 18 studios (4 affordable), 54 one-bedroom units (11 affordable), 49 two-bedroom units (10 affordable), and 14 three-bedroom units (2 affordable). It is proposed that 20% of the total units (27 units) will be affordable in perpetuity to households earning at or below 50% of the area median income.

The building will be built over a partially below-grade parking garage. The garage will contain 102 spaces in addition to 80 spaces provided on grade for a total of 182 parking spaces on site, or 1.35 spaces per dwelling unit.

In addition to the residential use, the project contains approximately 5,000 square feet of common indoor amenity spaces containing a café, resident lounge, fitness facilities, a dance and yoga studio, a co-working area and conference room as well as a rental office. A common south-facing outdoor rooftop deck is included on the fourth floor for building residents. A landscaped and fenced outdoor courtyard will enclose an outdoor pool, patio and lawn area. A landscaped walk and children's play area will be located in the open space east of the building.

The following review is based on plans and materials submitted to date as noted below.

- Comprehensive Permit Application, submitted by Dinosaur Limited Partnership, LLC, submitted 11/5/2014
 - Project Data Summary
 - Applicant Status
 - Project Eligibility Letter
 - Development Team
 - Site Control
 - DHCD Subsidized Housing Inventory
 - Sample Regulatory Agreement
 - List of Exceptions/Waiver Requests
 - Abutter List
 - Traffic Impact Study and Parking Analysis
 - Design Drawings
 - Phase I and Phase II Environmental Study
 - Traffic Impact Study Appendix
 - Stormwater Report

ADMINISTRATIVE DETERMINATIONS:

Zoning Relief

1. The subject property is located in the Business 2 zoning district. The applicant is proposing a 135-unit multi-family dwelling structure on a 109,248 square foot lot. Section 30-11(d)(8) of the Newton Zoning Ordinance requires a special permit for multi-family dwellings in all business districts. A waiver from the special permit is required to allow a multi-family residential use in a Business 2 district.
2. Section 30-11(d)(7) requires a special permit for multi-level parking facilities. Where the project has both surface and below-grade parking, a waiver is required from this provision.

3. A special permit is required for any proposed building or structure containing 20,000 square feet or more of gross floor area pursuant to Sections 30-11(k) and 30-24(d)(5). A waiver from this provision, as well as the provisions for site plan review in Section 30-23 is required.
4. A retaining wall greater than four feet is proposed 2 feet from the rear lot line, and 4 feet from the side lot line along the edge of the surface parking areas, both of which are within required setbacks. To locate a retaining wall greater than four feet within a setback requires a special permit per Section 30-5(b)(4). A waiver from this provision is required.
5. To the extent that it is determined by the Chief of Police that any obstruction created by the proposed project creates a traffic hazard, the applicant seeks a waiver from the provisions of Section 30-15(g).
6. Section 30-15, Table 3 requires a special permit for a multi-family residential building with four stories in the Business 2 district. The applicant requires a waiver from this provision to build to four stories.
7. Section 30-15, Table 3 allows a special permit to authorize a building 48 feet in height in the Business 2 district. The applicant proposes to build to 48 feet, and requires a waiver from the special permit provision.
8. The Applicant proposes to provide 27 affordable units within the development, or 20% of the total number of units. To the extent necessary, the applicant is seeking a waiver from the provisions of the Inclusionary Housing requirements under Section 30-24(f) of the Zoning Ordinance.
9. Section 30-24(b) requires a model for projects in excess of 20,000 square feet of gross floor area. The applicant requests a waiver from this requirement.
10. Section 30-15, Table 1 requires residential uses in the Business 2 district to provide 1,200 square feet of lot area per unit. The applicant proposes 809 square feet per unit. A waiver from the lot area per unit provision is required.
11. Section 30-15, Table 3 requires a front setback in the Business 2 district of half the building height, in this case 24 feet, or the average of the two properties on either side, whichever is less. There is a vacant lot to the west, which is counted as ten feet, and a single-family dwelling to the east with a setback of 11.2 feet, creating a front setback requirement of 10.6 feet. The project proposes a 10 foot setback, requiring a waiver from the front setback provision.
12. Section 30-17 requires that no garage which is an integral part of a dwelling be constructed where the entrance to the garage is less than 6 inches above the grade established by the City Engineer for the back edge of any sidewalk. To the extent necessary, a waiver of this provision is requested.
13. The applicant seeks a comprehensive permit in lieu of a special permit pursuant to Section 30-19 to the extent necessary for any and all waivers required for parking facilities.

14. Section 30-19(c)(4) prevents assignment of parking spaces to tenants. The applicant seeks a waiver from this provision.
15. There are 182 parking stalls proposed for the site, with 102 stalls located within a below-grade garage, and 80 surface stalls. Per Section 30-19(d)(1), two stalls are required for each residential unit. The proposed 135-unit multi-family dwelling requires 270 parking stalls per the Ordinance. The applicant requires a waiver from the provisions of Section 30-19(d)(1) for a reduction in the number of required stalls from 270 to 182.
16. Where 270 parking stalls are required for the proposed development, seven handicapped parking stalls are required (for a facility containing 201-300 parking stalls) per 521 CMR 23. The applicant proposes nine handicapped parking stalls, four in the surface parking and five in the parking garage.
17. Section 30-19(e) requires that any parking facility containing more than five stalls and any loading facility shall not be constructed without first submitting an off-street parking and loading plan. The Applicant seeks a waiver from this requirement.
18. Section 30-19(h)(1) states that no parking shall be located within any required setback distances from a street and sidelines, and shall in all cases be setback a minimum of five feet. All of the proposed surface parking is located either in the front and/or side setbacks. The applicant seeks to waive this requirement.
19. The applicant seeks a waiver from Section 30-19(h)(1) to permit outdoor parking spaces to be located less than five feet from a residential structure.
20. The proposed indoor and outdoor parking facilities have varying stall sizes, with plans showing compact spaces with a depth of 16 feet, and width of 8 feet in some locations, and other stalls reduced to 8.5 feet in width (though many stalls conform to the dimensional requirements within the development). Per Sections 30-19(h)(2)a) and b), stall widths are required to be at least 9 feet, and stall depths to be at least 19 feet. A waiver from the dimensional requirements for the parking stalls is required per Sections 30-19(h)(2)a) and b).
21. Section 30-19(h)(3) requires a minimum parking facility aisle width of 24 feet for 90 degree parking stalls. The applicant proposes an aisle width of 22 feet, and therefore requires a waiver.
22. Section 30-19(i)(2) requires perimeter landscape screening and interior landscape improvements. The applicant is seeking a waiver from the requirements of this provision.
23. Section 30-19(j) addresses the lighting, surfacing and maintenance of outdoor parking facilities containing more than five stalls. The applicant is proposing 80 outdoor parking stalls. Section 30-19(j)(1)(a) requires that the facility provide security lighting, and that said lighting maintain a minimum intensity of one foot candle on the entire surface of the parking facility. Should the applicant not meet this requirement, a waiver is necessary. Per Section 30-19(j)(1)(b) of the Zoning Ordinance, and Section 20-26 of the provisions of Section 20, Article IV, artificial light may

not spill onto adjacent streets and properties. The applicant is seeking a waiver from these provisions.

24. Section 30-19(j)(2) requires parking facilities to be surfaced, graded and drained to the satisfaction of the City Engineer. The applicant seeks a waiver from this requirement.
25. Section 30-19(k) requires a project to provide bicycle parking facilities in parking facilities with more than twenty stalls. The applicant is required to provide 18 bicycle parking spaces (one bicycle stall per ten parking stalls). The Applicant shows bicycle parking facilities on the submitted plans, but does not specify the number of stalls available. To the extent there are not more than 18 proposed bicycle parking stalls, a waiver is required per Section 30-19(k)(1).
26. Section 30-19(k)(3) addresses the design requirements for a bicycle parking facility. The applicant seeks a waiver from these requirements.
27. Section 30-19(l)(1)(a) requires a plan for loading requirements. The applicant seeks a waiver from this provision.
28. The Applicant is proposing free-standing sign under Section 30-20(f) and the exceptions found in 30-20(l), which requires a special permit. A waiver from the provisions of Section 30-20(f) and (l) is required.

Non-Zoning Relief

29. Revised Ordinances Section 22-44 provides for a review by the Newton Historic Commission and the possible imposition of a demolition delay for demolition of historically significant buildings. To the extent the existing structures or other elements of the property are deemed to fall under the jurisdiction of the Newton Historic Commission, a comprehensive permit is sought in lieu of a determination by the Newton Historic Commission that such structures or features are not preferably preserved.
30. To the extent any consent or review by the Planning Board is required under Planning Board rules, the applicant seeks a comprehensive permit in lieu of such approval.
31. Section 17, Article V prohibits the storage of inflammables unless licensed by the chief of the fire department. The Applicant seeks a waiver from this provision for gasoline and diesel fuel stored in vehicles parked within the building.
32. Section 23-6 authorizes the Board of Aldermen to approve pole location rights to utility companies. The applicant should determine the desired locations of utility poles and request the Board of Aldermen grant location rights to the utility companies.
33. The Applicant seeks a permit to cross the sidewalk and connect to Rowe Street under the provisions of Section 26-65, Construction of Sidewalks, Driveways and Driveway Entrances.
34. The Applicant seeks a permit to connect to the public water supply, per Section 29, Article II of the Newton City Ordinances.

35. Per Section 29, the Applicant seeks a permit for connection to the public sewer system and a waiver of all related fees. The Applicant also seeks endorsement for the application for the DEP sewer connection permit.
36. The Applicant seeks a permit, and a waiver of all related fees for the storm sewer connection under Section 29, or otherwise for the project's overflow discharge of storm water to the City's storm drain system.
37. The Applicant seeks any relief from local rules and regulations, and any additional required local approvals as may be necessary for approval for the Comprehensive Permit plans as may be amended prior to the termination of the public hearing.

Business 2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	109,248 square feet	No change
Lot area per unit	1,200 square feet	N/A	809 square feet
Frontage	80 feet	378 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	10.6 feet 24 feet 24 feet		10 feet +/-45 feet +/-35 feet
Building Height	24 feet (by right)		48 feet (by special permit)
Max number of stories	2 (by right)		4 (by special permit)
Parking stalls	270		182

38. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-11(d)(8)	Allow multi-family residential use in the Business 2 district	C.P. per MGL c 40B
§30-11(d)(7)	Allow multi-level accessory parking	C.P. per MGL c 40B
§30-24(f)	Waive inclusionary zoning requirements	C.P. per MGL c 40B
§30-11(k), §30-24(d)(5),	Waive special permit and site plan review for a building of more than 20,000 square feet	C.P. per MGL c 40B

§30-23		
§30-24(b)	Waive modeling requirements	C.P. per MGL c 40B
§30-5(b)(4)	Allow retaining wall greater than 4 feet in a setback	C.P. per MGL c 40B
§30-15(g)	Waive review by Police Chief of potential traffic hazard	C.P. per MGL c 40B
§30-15, Table 3	Allow 4 stories	C.P. per MGL c 40B
§30-15, Table 3	Waive minimum lot area per unit requirement	C.P. per MGL c 40B
§30-15, Table 3	Allow building height of 48 feet	C.P. per MGL c 40B
§30-15, Table 3	Waive front setback requirement	C.P. per MGL c 40B
§30-15, Table 3	Waive side setback requirement	C.P. per MGL c 40B
§30-15, Table 3	Waive rear setback requirement	C.P. per MGL c 40B
§30-17	Waive review by City Engineer	C.P. per MGL c 40B
§30-19	Waive parking requirements	C.P. per MGL c 40B
§30-19(d)(1)	Waive number of required parking stalls	C.P. per MGL c 40B
§30-19(c)(4)	Allow assigned parking	C.P. per MGL c 40B
§30-19(e)	Waive requirement for off-street loading and parking plan	C.P. per MGL c 40B
§30-19(h)(1)a)	Allow parking in a setback	C.P. per MGL c 40B
§30-19(h)(1)b)	Allow parking within 5 feet of a structure containing residential dwelling units	C.P. per MGL c 40B
§30-19(h)(2)a) and b)	Waive required parking stall dimensions	C.P. per MGL c 40B
§30-19(h)(3)	Waive aisle widths within parking areas	C.P. per MGL c 40B
§30-19(i)	Waive landscaping and screening requirements	C.P. per MGL c 40B
§30-19(j)(1)	Waive lighting requirements for outdoor parking	C.P. per MGL c 40B
§30-19(j)(2)	Waive review by City Engineer for surfacing, grading and drainage	C.P. per MGL c 40B
§30-19(k)	Waive bicycle parking facility requirements	C.P. per MGL c 40B

§30-19(l)	Waive the Off-Street Loading Requirements	C.P. per MGL c 40B
§30-12(g)	Waive requirement for special permit for a building greater than 20,000 square feet	C.P. per MGL c 40B
§30-23	Waive requirement for Site Plan Review for a building greater than 20,000 square feet	C.P. per MGL c 40B
§30-20(f)	Allow free-standing sign and waive requirements for hearing before the Urban Design Commission	C.P. per MGL c 40B
Article 22-44	Waive review by Newton Historic Commission	C.P. per MGL c 40B
	Waive Planning Board consent	C.P. per MGL c 40B
§17, Article V	Allow for storage of inflammables	C.P. per MGL c 40B
§23-38	Approvals for wire and utility connections	C.P. per MGL c 40B
§26-65	Permit to cross sidewalk	C.P. per MGL c 40B
§29, Article II	Permit to connect to public water supply	C.P. per MGL c 40B
§29, Article III	Sewer connection permit, waiver of all fees, DEP application endorsement	C.P. per MGL c 40B
§29, Article IV	Storm drain connection permit and waiver of all fees	C.P. per MGL c 40B

**REQUESTED COMPREHENSIVE PERMIT
IN LIEU OF PERMITS UNDER CITY ORDINANCES**

I. Summary of Relief Requested:

The Applicant requests that the Zoning Board of Appeals grant a comprehensive permit in lieu of the following permits, licenses and approvals in accordance with the provisions of G.L. c. 40B §20 et seq.. Ordinance references herein are to the Newton Revised Ordinances of 2001, as amended, of which Chapter 30 is the Zoning Ordinance.

ZONING ORDINANCE - City of Newton Revised Ordinances Chapter 30

A. Use: The Applicant seeks a comprehensive permit in lieu of use variances, special permits and approvals to allow the Property to be used for the Project including without limitation:

1. Special Permit under § 30-11(d)(7) and (8) to permit the Property to be used as a multi-family dwelling for a total of 135 dwellings, associated amenities, and accessory parking on grade and under the Building.
2. Special Permit under §30-11(k) to permit a building of more than 20,000 s.f.
3. Special permit under §30-5(b)(4) for a retaining wall in excess of 4 ft. in the setback
4. Variance to the extent required under §30-15 (g) from any determination of a traffic hazard.
5. Special Permit under §30-15 (h) for a residential building in the Business 2 District with a number of stories and height in excess of those permitted as of right.
6. Variance to waive requirements of §30-24 (f) to conform the provisions for affordable housing to the terms of the application, if and to the extent necessary.
7. Waiver of the procedural requirement of a model as provided in §30-24 (b).

B. Density and Dimensional Controls: The Applicant seeks a comprehensive permit in lieu of such variances or special permits as may be required from or under §30-15 for construction of the Project in the Business 2 District including without limitation:

1. Variances from the dimensional requirements of § 30-15 Table 1 as follows:

Lot Area Per Unit:	Allowed: 1,200 s.f.	Provided: 809 s.f./d.u.
Front Yard Setback:	Required: 10 ft. ¹	Provided: 10 ft.
Side Yard Setback:	Required: 24 ft ² .	Provided: 4 ft. (to retaining wall)
Rear Yard Setback:	Required: 24 ft ³	Provided: 2 ft. (to retaining wall)
Parking Facility Setback:	Required 48 ft.	Provided: 2 ft.

The Project complies with the following dimensional requirements:

Lot Area	Required: 10,000 s.f.	Provided: 109,248 s.f.
Frontage:	Required: 80 ft.	Provided: 378 ft. ⁴
Floor Area Ratio	Allowed: 2.00 ⁵	Provided: 1.20

2. Special Permit for a building of 4 stories.
3. Special Permit for a building height of 48 feet.
4. Variance in lieu of a certification of the Commissioner of Inspectional Services and the City Engineer under §30-17

C. Parking Requirements:

The applicant seeks a comprehensive permit in lieu of a special permit pursuant to §30-19 (m) in order to permit a parking facility in accordance with the submitted plans and to deviate from *inter alia* the following requirements under §30-19:

¹ 10 ft for a building of 4 stories

² 1/2 building height

³ 1/2 building height

⁴ The way known as "Rowe Street" adjacent to the property is a "Street" within the meaning of §30-1. If the way is deemed not to be a "Street" then a comprehensive permit is sought in lieu of a variance from the requirement of frontage.

⁵ For building with a comprehensive permit in lieu of a special permit for 4 stories

1. To the extent §30-19 (c)(4) prevents assignment of parking spaces to tenants, a waiver is sought from that provision
2. Number of parking stalls under §30-19 (d) if at any time less than 270 parking spaces, plus any additional requirement for common spaces are provided
3. Application for parking and loading facility permit under §30-19(e)
4. Under §30-19 (h)(1) to permit parking spaces to be within setback areas from a street and sidelines
5. Under §30-19 (h)(1) to permit outdoor parking spaces to be located less than 5 feet from a building or structure containing dwelling units
6. Under §30-19 (h)(2)(a) and (b) to reduce the width and depth of parking stalls
7. Under §30-19 (h)(3) to reduce the width of maneuvering aisles to 22 ft.
8. Under §30-19(i)(2) as to interior landscaping requirements for outdoor parking facilities of 20 stalls or more under.
9. Under §30-19 (j) (1) to conform the lighting requirements to the plans submitted
10. Under §30-19 (j) (2) a) in lieu of any consent of the City Engineer to drainage of the parking facility
11. Under §30-19 (k)(3) a waiver is sought to conform the design of bicycle facilities to the design shown on the submitted plans
12. Under §30-19(l) (1)(a) for a plan for loading requirements
12. Any other relief which may be necessary or appropriate and may be granted by the Board of Aldermen under §30-19 (m) in order to conform the waivers sought to the plan submitted.

- D. Signage: The Applicant seeks a comprehensive permit in lieu of a special permit under §§30-20 (l) to permit a freestanding sign. The Applicant also seeks a waiver of sign permit procedures under §30-20(c)(1) and insofar as applicable any hearing or procedure before the Urban Design and Beautification Commission.
- E. Site Plan Approval: The Applicant requests a comprehensive permit in lieu of site plan approval required under §30-23 in connection with special permits granted under §30-24.

Non-Zoning Ordinances

- F. Demolition Delay – Revised Ordinances §22-44

Revised Ordinances §22-44 provides for a review by the Newton Historic Commission and the possible imposition of a demolition delay for demolition of historically significant buildings. To the extent the existing structures or other elements of the Property may be deemed to fall within the jurisdiction of the Newton Historic Commission under Revised Ordinances §22-44, a comprehensive permit is sought in lieu of a determination of the Newton Historic Commission that such structures or features are not preferably preserved.

- G. Consent of the Planning Board

To the extent any consent or review of the Planning Board is required under Planning Board rules, a comprehensive permit in lieu of such approval is sought

- H. Curb Cut Permit

The applicant requests a comprehensive permit in lieu of any sidewalk crossing permits or consent of the commissioner of public works to the extent necessary to comply with the requirements of Revised Ordinances §26-65

- I. Utility Connection Permits

The applicant seeks a comprehensive permit in lieu of such local approvals as are required under Revised Ordinances §§23, 26 and 29 or otherwise to (i) open streets, (ii) make utility connections for water, sewer, stormwater, gas, electric, cable or other utilities or (iii) cross sidewalks from time to time.

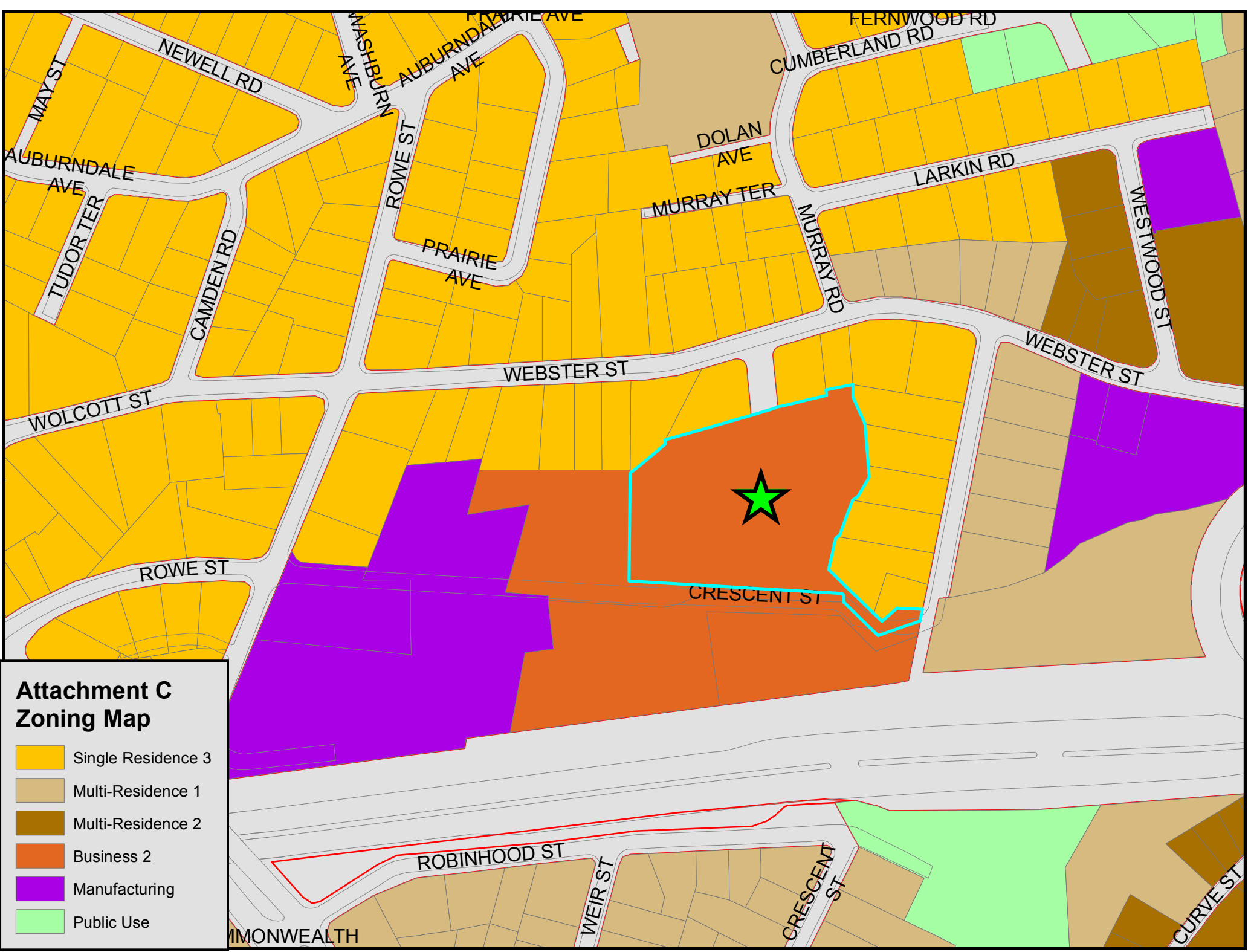
- J. Amended Relief

The applicant seeks a comprehensive permit for such amendments to the relief sought herein as may be required to conform the relief sought to the plans as filed or

to any amendments thereof filed in connection with the actions of the Zoning Board of Appeals or the Housing Appeals Committee.

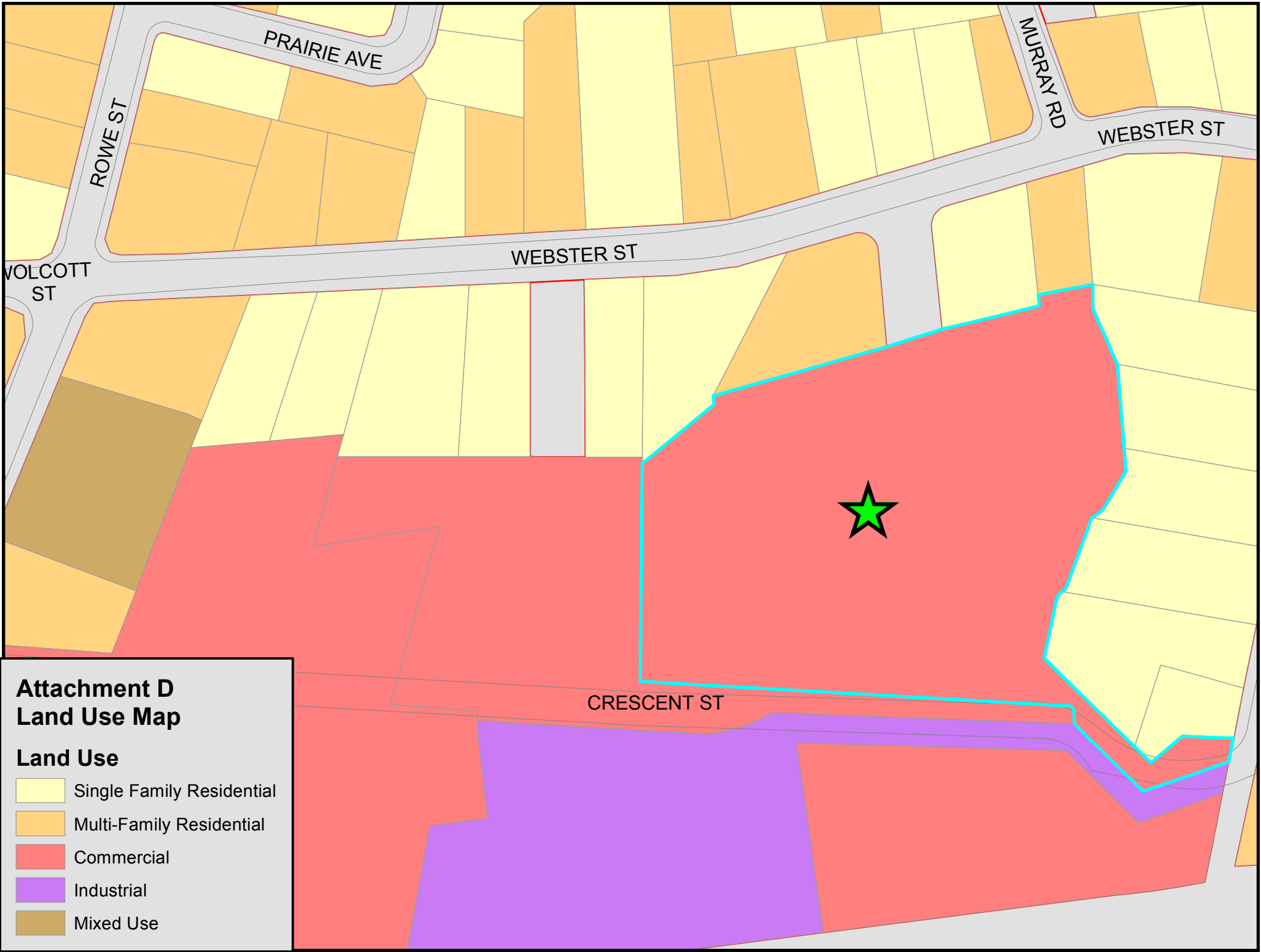
K. Additional Relief

The applicant seeks a comprehensive permit in lieu of all other permits, licenses or approvals as may be issued by the City of Newton as necessary to conform the relief sought to the plans filed with the application as the same may be amended from time to time. Included within the relief sought are all ancillary, subsidiary, usual, customary or necessary local permits approvals or licenses in lieu of which the Board may grant a Comprehensive Permit to the extent necessary to conform to the relief required for construction of the plans submitted herewith as amended from time to time.



Attachment C Zoning Map

- Single Residence 3
- Multi-Residence 1
- Multi-Residence 2
- Business 2
- Manufacturing
- Public Use



CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: James Freas, Acting Director of Planning & Development

From: John Daghljan, Associate City Engineer

Re: Comprehensive Permit – 70 Rowe Street

Date: November 26, 2014

CC: Lou Taverna, PE City Engineer
Keith Nastasia, Director of Utilities
Ted Jerdee, Superintendent of Utilities
Alexandra Ananth, Chief Planner
Julie Ross, Assistant City Solicitor
Dennis Murphy, Assistant City Solicitor

In reference to the above Comprehensive Permit the follow are my comments and for the plan entitled:

70 Rowe Street
Newton, MA
Prepared by: Nitsch Engineering
Dated: November 5, 2014

Executive Summary:

The proposed *4-story 135 units* (212 bedroom) residential apartment building is to be erected on a former construction yard that is over 2.5 acres that has access off Rowe “Street”. The property is bound on the north and east by residential homes, industrial businesses on the south along Rowe Street; and parking lots on the west. Based on our records Rowe “Street” is not an actual street but is laid out as a private driveway, which raises the issue of proper frontage on an unimproved way. The property also has a City drainage easement along the easterly property line, last year the Utilities Division

replaced the drain a pipe which had structural failure. The new pipe is a 15-inch diameter reinforced concrete pipe that is within the City's easement. The plans indicate a City easement however, the actual location and alignment of the pipe is not indicated on any of the plans, the pipe and the actual easement limits with [compass bearings & distances] need to be clearly identified. The plan indicates that there may be encroachment issues with the retaining wall, landscape features and fence on this easement, a detail easement plan is needed to clarify these issues. Any proposal of any structure or new features will have to be reviewed, no added weight or bearing of any structures will be allowed, and landscape feature within the easement will need license agreements.

Since the property is a former construction yard the Engineering Division is concerned about contaminated soils, and unknown levels of debris and unsuitable fill buried throughout the site. Bearing capacity of the soil for the new structure and any cleanup remediation required for the project is also a concern.

An elaborate and massive drainage system has been designed for the site however; at the time of this review no drainage report, hydraulic or hydrology reports were supplied. The system also indicates two overflow connections to the existing storm water pipes within Rowe Street. If the onsite system is designed for the 100-year storm event; then the overflow pipe is unwarranted since these pipes are not design for the 100-year storm events. My concern with such a large system is the potential of localized impact to the residential abutters and specifically in regards to groundwater mounding beneath and around the proposed system. Groundwater mounding occurs beneath storm water management structures designed to infiltrate storm water runoff. Concentrating recharge in small area can cause groundwater mounding (or raise in elevation of groundwater) that affects the basements of nearby homes and other structures.

Access & Circulation:

The Fire Access plan sheet C-201 indicates that template for the fire truck can navigate the site, however upon closer examination the turning radius and maneuverability is questionable, specifically in two locations. The first is at the northwest corner of the driveway the fire truck would have to make a perfect turn so that it avoids hitting the curb, this may be very difficult specifically when vehicles will be parked up to the radius point of the curb line. It may be possible that a car does not fully pull into the last two stalls and due to overhanging from the stall it will compound the fire apparatus ability to safely make this turn. The second location is at the northeast corner where the parking lot ends and the snow storage area is juxtaposed along with a proposed landscaped island with trees/ bushes. This is a very tight turn that would require no snow stored in the "snow storage area", the trees and/or bushes would hinder the turning radius plus the proposed retaining wall and fence that will interfere with the turning movement.

Finally at the offset turn-around island proposed along Rowe Street may be problematic for a fire truck to have to attempt to drive over three sets of curbs, furthermore there is a

conflict between this plan and the Landscape plan Sheet L-002. This plan shows the proposed fence curving away from the proposed fire lane, but the landscape plan show the proposed fence extending down to the edge of the turn-around area and sidewalk which will interfere with the turning radius. It may be advantageous to eliminate the quarter-moon shape island and associated curbing and just delineate the island with paint on the asphalt.

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site, for the respective lots.
2. The soils logs and soil testing in accordance to Title V, associated with the design of the drainage system need to be submitted. One test pit and percolation test shall be performed within 25' of proposed on site drainage facilities.
3. When a connection to the City's drainage system is proposed, prior to approval of the Building Permit a Closed Circuit Television (CCTV) inspection shall be performed and witnessed by the Engineering Division, the applicant shall retain a contractor that specializes in CCTV inspection. The applicant shall contact the Engineering Division 48 hours in advance to schedule an appointment. At the end of the inspection the video or CD shall be given to the inspector. Furthermore, upon completion of the connection to the drainage system a Post – Construction video inspection shall also take place and witnessed as described above. This is required regardless of the connection point, the intent is to ensure that there are no downstream blockages or damaged pipe so that the contractor of record is not held accountable for preexisting conditions.
4. A hydraulic capacity of the downstream drainage system needs to be evaluated and submitted to the Engineering Division to determine any impact to the municipal drainage system.
5. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.

6. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all apparentness including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the Homeowners Association or property owner.

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.
3. As the total site disturbance is over an acre, a Phase II General Construction (NPDES) Permit will need to be filed with DEP & EPA. A Stormwater Pollution Prevention Plan (SWPPP) will need to be developed.

Construction Management:

1. A construction management plan is needed for this project. At a minimum it must address the following: staging site for construction equipment, construction material, parking for construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor.
2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean.

Sewer:

1. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the

existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer main need to match.

2. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the site and properly back filled. The Engineering Division must inspect this work; failure to having this work inspected my result in the delay of issuance of the Utility Connection Permit.
3. Use City of Newton Details in lieu of the details submitted.
4. Due to the condition of Rowe Street once all the utilities have been installed, it should be reconstructed from curb line to curb line; then paved with 1-1/2" of Type I-1 Bituminous Concrete for the entire length of Rowe Street.
5. Capacity calculations will be required for the downstream collection system.
6. Profiles for the sewer main, service connections and force main are required. The minimum slope for a service connection is 2% and a maximum of 10%. All utilities within a 10' radius shall be clearly indicated in the profile.
7. Clarification of the final connection point for the sewer main needs to be shown.
8. Floor drains of the proposed underground parking of the building must be connected to the sanitary sewer via MDC gas traps.
9. There must be a 10' horizontal separation of the proposed sewer main and water main, if this cannot be achieved than the sewer main shall be encased in concrete. If the sewer main crosses above the proposed water main then the sewer main shall be encased in concrete 10' on both sides of the crossing with Class B concrete.

Water:

1. The Director of Utilities, requires that a master metering shall be installed in a heated utility room for this development. All water mains, appurtenances beyond the meter will be the sole responsibility of the developer and/or the association.
2. The final configuration of the domestic and fire suppression system shall be reviewed and approved by the Director of Utilities.

3. Separate dedicated fire protection and domestic service lines shall be provided to the proposed builds.
4. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.

Site Grading:

1. Clarification is needed for the grading behind the proposed retaining walls, some areas do not indicate the proposed grading.
2. Details of the proposed retaining walls are needed. It appears that the retaining wall may be encroaching the drainage easement.

Infiltration & Inflow:

The DPW policy on infiltration and inflow reduction is based on an 8:1 ratio, meaning for every gallon of waste water generated by a project, eight gallons of infiltration and inflow needs to be removed. Based on actual contracts for the removal of *I & I*, it costs the City \$8.40 for transmission and treatment of the wastewater. Utilizing Title V flow rates for bedrooms at an average of 110 gallon/day/bedroom the break down for the assement is as follows:

Infiltration & Inflow				
# Bedrooms	Treatment & Transmission Cost	Average Daily Water Flow Rate	Reduction Ratio	Assessment
212	\$ 8.40	110	8	\$ 1,567,104.00

General:

1. The applicant is proposing to install curb and sidewalk along the north side of Rowe Street which is a good public benefit, however; since this is a private driveway that transverses various private lots the applicant will need permission from these property owners. The detail indicates vertical granite curbing and cement concrete sidewalks; all construction shall conform to the most current Architectural Access Boards, and ADA requirements. Tactile warning plates shall be federal yellow in color and should be a minimum of 2' x 4' and shall be of ADA Solutions or equal with removable anchor bolts.
2. The applicant shall work with the City Arborist in regards to the Tree Preservation Ordinance.
3. Any Blasting on site will require a permit from the Fire Department.
4. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans.*
5. Approval of this plan by the City of Newton Engineering Division implies that the plan meets the minimal design standards of the City of Newton. However, the Engineering Division makes no representations and assumes no responsibility for the design(s) in terms of suitability for the particular site conditions or of the functionality or performance of any items constructed in accordance with the design(s). The City of Newton assumes no liabilities for design assumption, error or omissions by the Engineer of Record.
6. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work.

If you have any questions or concerns please feel free to contact me at 796-1023.



MEMORANDUM

To:	Alexandra Ananth, LEED AP Chief Planner for Current Planning City of Newton, MA	Date:	11/24/2014
From:	Michael Santos, P.E., PTOE Mike Tremblay	HSH Project No.:	2014134.00
Subject:	Peer Review Proposed Residential Development 70 Rowe Street		

As requested, Howard/Stein-Hudson Associates (HSH) conducted a peer review of the Traffic Impact and Access Study (TIAS) prepared for the proposed residential development at 70 Rowe Street in Newton. Our evaluation is based on the following documents:

- *Traffic Impact and Access Study, Proposed Residential Development – 70 Rowe Street*, prepared by VHB, dated November 2014;
- *Memorandum, 70 Rowe Street Residential Development Parking Assessment*, prepared by VHB, dated October 29, 2014; and
- *Roadway Layout and Materials Plan*, prepared by ICON Architecture, stamped 11/5/2014.

The purpose of this review is to ensure that the traffic analysis conforms to industry standards, to confirm that the traffic study methods are appropriate for the setting, and to ensure that the recommendations contained in the report adequately address potential project impacts.

The Project site is located at 70 Rowe Street, north of Commonwealth Avenue (Route 30) and Interstate 90. The Project description contained in the traffic study indicates redevelopment of the existing 2.5 acre site, which consists of three structures that previously housed a general contracting company. The site is not currently active.

The proposed development consists of 135 residential units. The Applicant intends to designate 20% of the units as affordable housing in order to be eligible for subsidies under Massachusetts General Laws, Chapter 40B. Parking will be provided on-site, with 80 at-grade spaces and 102 spaces in a below-grade garage. Access to the site is proposed via a single driveway on Rowe Street, with emergency access and turnaround area on the east side of the site.

The key findings of our review of these documents are presented in the following sections. The comments are numbered for ease of reference and are organized by the same headers used by the Applicant in their submitted documents. Omitted sections have been reviewed with no comments from HSH. Comments #1-28 correspond to the TIAS, comments #28-34 correspond to the parking requirements memorandum and ratios proposed in the permit application, and comment #36 corresponds to the site plan.

Scope of Review

The following issues were reviewed in the traffic study as part of the peer review:

- Study Area
- Study Methodology
- Existing Traffic Volumes
- Crash History
- Public Transportation
- No-Build Conditions
- Build Conditions
- Traffic Operations Analysis
- Mitigation
- Parking

Study Area

1. The Applicant identified 12 study area intersections (six signalized, six unsignalized) for study as part of the TIAS. Study area intersections are typically those that will receive a significant portion of Project traffic. Study area roadways are typically targeted to assess a Project's impact for both operations and safety. In general, the Applicant identified the "gateways" to the Project area, the three intersections that immediately abut the Project site, and the site driveway itself, as study area intersections. HSH agrees with the scope of the study area the Applicant has proposed.
2. The Applicant identified Rowe Street as the single primary study area roadway. Rowe Street is the location of the lone site driveway, and is also the corridor identified for future improvements in later sections of the TIAS. The proposed project will not directly impact curb use or significantly impact vehicle movement (due to vehicles turning into or out of driveways) on any other roadway segment in the study area. HSH agrees with the identification of Rowe Street as the single primary study area roadway.

Study Methodology

3. The Applicant prepared the TIAS using methodologies that are consistent with City of Newton, MassDOT, and industry standards. HSH agrees with the general methodology that the Applicant used when conducting the TIAS.

Existing Traffic Volumes

4. The Applicant collected automatic traffic recorder (ATR) counts and turning movement counts (TMC's) in September 2014, after the school year began. The Applicant also collected data in July 2014 to assess summertime conditions for comparison. The ATR counts were conducted along Rowe Street in the vicinity of the project site over a 48 hour period between Wednesday September 10 and Thursday

September 11, 2014. Rowe Street currently carries approximately 400 vehicles on an average weekday with 40 vehicles during the a.m. peak hour and 50 vehicles during the p.m. peak hour. The TMCs were conducted at the study area intersections during the a.m. peak period (7:00-9:00 a.m.) and p.m. peak period (4:00-6:00 p.m.). These data collection time periods represent average weekday conditions and are typical of data collection time periods for traffic studies conducted for residential developments. HSH agrees with the data collection methodology used by the Applicant.

5. The Applicant determined that it was not necessary to apply seasonal adjustment factors to the data collected in September 2014, as September volumes are generally higher than the average month. HSH agrees with this assessment.

Crash History

6. The Applicant assessed the crash data from the three most recent years available (2010-2012) to identify particular areas where traffic safety may be an issue. The unsignalized intersection of Rowe Street at Wolcott Street/Webster Street was identified as the only intersection with a crash rate higher than the MassDOT District 6 average. The crash rate at this intersection was 0.59 crashes per million entering vehicles, just 0.01 higher than the District 6 crash rate of 0.58 crashes per million entering vehicles. All five crashes at this location were property damage only crashes. One pedestrian was struck at the intersection of Commonwealth Avenue (Route 30) at Melrose Street, a location where crosswalks and pedestrian signal phasing is provided. Based on the crash history, there are no major safety issues at the study area intersections have a recent crash history that indicates significant safety concerns. This methodology is consistent with industry best practices.
7. The Applicant did not provide crash data for the intersection of Rowe Street at the site driveways. It is unclear whether there were any crashes that occurred along Rowe Street in the vicinity of the proposed site driveway. The Applicant should provide this information.

Public Transportation

8. The Applicant listed each of the public transit services located within (or close to) a ½-mile radius of the Project site. However, each of these services appears to be located just beyond a ½-mile *walk* from the site driveway, due to the irregular layout of the roadways in the vicinity of the Project site. Using the roadway layout rather than a radius, these walking distances are approximately 0.6 or 0.7 miles. The Applicant should identify the location of the closest stop (in terms of walking distance) from the Project site for each route. It should be noted that the Applicant did not assume that any trips generated by the Project will be transit trips in order to present a conservative analysis of the Project's impact on the roadway network.
9. The TIAS states that the Framingham/Worcester commuter rail line has peak headways of 15 to 30 minutes. This is accurate in the a.m. peak periods of the commuter rail; however, these headways occur during the late morning and likely does not reflect the peak commuter period, which likely occurs between 7:30 and 8:30 a.m. Additionally, the 15-30 minute headways only occur at Auburndale station, which is further from the Project site than West Newton Station. During the assumed a.m. peak commuter period, headways are 45 to 60 minutes. In the afternoon peak period, headways range between 30 and 50 minutes. The longer headways may reduce the likelihood that residents would use the commuter rail service.

No-Build Conditions

10. In order to estimate how a roadway network will operate after a project is built, a future design year is chosen. The TIAS uses a 7-year planning horizon, which is generally consistent with City of Newton and MassDOT standards for development projects (typical planning horizons are generally between five and ten years for projects of this size). HSH agrees with the selection of the planning horizon used in the TIAS.

Background Traffic Growth

11. The Applicant used historic count data and recent area traffic studies to determine a 0.5% per year background growth rate. HSH agrees that this background growth rate is representative of expected growth in the area.

Planned/Approved Developments

12. The TIAS includes known background projects that may impact the Project study area, per industry best practices. According to the TIAS, trip generation for the Turtle Lane Playhouse Redevelopment was estimated by the Applicant. The Applicant should provide more information, similar to information provided for the Riverside MBTA Station Redevelopment (provided in the Appendix), on how trips were distributed for the Turtle Lane Playhouse Redevelopment.

No-Build Traffic Volumes

13. Figures 6 and 7 of the TIAS show estimated 2021 traffic volumes based on 2014 existing volumes plus a 0.5% growth rate over seven years, plus any trips associated with nearby planned or approved developments. These figures show volumes that would represent expected traffic volumes in 2021 if the Project were *not* built. HSH agrees with the Applicant's methodology in determining No-Build traffic volumes.

Future Roadway Conditions

14. The TIAS identifies one planned roadway improvement within the study area. The Commonwealth Avenue Reconstruction Project (MassDOT Project #600932) is scheduled to begin construction in the winter of 2018/2019, before the 2021 horizon year. The TIAS does not explicitly state whether this project will impact the lane use of any study area intersections. If such information is available, the Applicant should state changes in lane use that will result as part of this project.

Build Conditions

15. Build conditions represent a condition where the Project is built and fully occupied in 2021, the Build horizon year. The Applicant reiterated that, while the Project site is located within a reasonable walking distance to public transit, the Build conditions assume that 100% of Project trips are made by automobile. While conservative, this method represents best practices so long as no major changes to the existing roadway network are necessary as a result of Project trips. This method shows that, even in a "worst case" scenario where no residents of the Project use transit, walk, or bicycle, the roadway network will continue to operate at similar levels as the No-Build conditions. This methodology may overstate the overall traffic impacts of the project and present worse operations than might be expected. This is generally standard practice when it is necessary to present a worst case scenario. HSH agrees with this methodology.

Site-Generated Traffic Volumes

16. The TIAS estimates the trips generated by the Project based on the *Institute of Transportation Engineers (ITE)'s Trip Generation, 9th Edition*, using Land Use Code (LUC) 220 – Apartment. The Applicant estimates that 70 trips (14 entering, 56 exiting) will be generated by the Project in the a.m. peak period, 92 trips (60 entering, 32 exiting) will be generated in the p.m. peak period, and 942 (total entering + exiting) will be generated over the course of a typical day. As previously stated, these trip generation estimates do not account for potential transit usage and represent a worst-case scenario. HSH agrees with this methodology and has confirmed the Applicant's estimations for site-generated traffic.

Adjusted Site-Generated Traffic Volumes

17. The TIAS includes an informational table (Table 4) showing the Project-generated trips if typical adjustments for transit, walking, bicycling, and working at home were applied to the Project trips, and if the trips associated with the previous use were subtracted from the site trip generation. After accounting for the expected transit usage, which is based on data obtained from U.S. Census data, it is expected that the project would generate a total of 616 vehicle trips on an average weekday with 46 vehicle trips during the a.m. peak hour and 60 vehicle trips during the p.m. peak hour. This represents one trip every minute to minute-and-a-half. Even after taking credit for potential transit usage, this represents more than a doubling of vehicle trips along the segment of Rowe Street on which the project is located. The Applicant should provide more information related to impact of the increase of vehicle trips has on Rowe Street.

Alternative Uses for the Site

18. The TIAS contains a section describing two of the alternative plans for the Project site, each of which were utility repair and service companies that would have generated significantly more daily vehicle trips than the Project that was ultimately proposed. One of the proposals would have generated approximately 80 entering and 80 exiting trips during each of the morning and evening peak periods. The second potential user would have had slightly lower peak period trip generation, but would have been a 24-hour operation with trips distributed throughout the day and night. HSH agrees with this information, which provides context of what the site may generate if the Project were not built.

Trip Distribution

19. The Applicant used Journey-to-Work data from the 2010 U.S. Census for the City of Newton to approximate where the residents of the Project will travel to work. With this data, the entering and exiting trips were distributed throughout the study area network based on their origins and destinations. HSH agrees with the Applicant's methodology in assigning trips to the roadway network. It appears that 17 percent of the vehicle trips are assigned to/from the Massachusetts Turnpike to the east (Interchange 16 in West Newton). The Trip Distribution (Figure 8) shows that these trips will be assigned to Rowe Street, Webster Street, and Elm Street to travel to Interchange 16. HSH feels that some of these trips would also use Route 16, Auburn Street, and Commonwealth Avenue to travel to/from the site when traveling to/from Interchange 16. The Applicant should review this route to/from Interchange 16 and provide a justification for assigning all trips to/from Interchange 16 to Rowe Street/Webster Street/Elm Street. The Applicant should also discuss how local trips (trips originating and ending within the City of Newton) were distributed within the network.

Sight Distance

20. The Applicant provided detailed stopping sight distance (SSD) and intersection sight distance (ISD) for the Project site driveway and its emergency access driveway. All sight distances are sufficient except for

the ISD for the emergency access driveway, which is 45 feet too short east of the site driveway. However, since the SSD is sufficient, and the volume using this access driveway will be relatively low, an ISD somewhat below the desired distance will not impact the day-to-day operations of the site. HSH is in agreement with the Applicant's methodology used to determine SSD and ISD and its conclusions. The Applicant should provide the reasons for the lack of desirable ISD at the emergency access driveway. If the impediment to ISD along the horizontal geometry of Rowe Street is able to be removed or altered (e.g. a sign, parked car, or overgrown vegetation), HSH suggests that this measure be taken to assure adequate ISD east of the driveway.

Level of Service Criteria

21. To assess the potential traffic impact of the development on the adjacent traffic network, several steps are involved, as follows:

- Determine existing volumes and analyze existing traffic operating conditions for the study intersections;
- Generate No-Build traffic volumes by applying a background growth factor to the existing traffic volumes and adding approved/pending developments as well as planned transportation improvements. Analyze No-Build conditions;
- Determine the traffic volumes to be generated by the proposed development; distribute and assign traffic throughout the study area network; and
- Combine the background traffic volumes with the proposed traffic volumes to establish Build traffic volumes, analyze traffic operating conditions, and identify mitigation of potential impacts.

The traffic operations analysis presents detailed measures of effectiveness (MOEs) to assess the operating characteristics of the study intersections. The MOEs reported are average vehicle delay, level of service (LOS), volume-to-capacity ratio, and queue lengths. The LOS is a letter grade that is assigned to a range of vehicular delays at the intersection. LOS A represents little delay and is usually associated with low volume movements. LOS F represents higher delays and could indicate issues related to traffic congestion.

HSH reviewed the existing traffic operations analysis. The Applicant used the Synchro traffic engineering software to analyze all the intersections in the network. It is unclear whether the Applicant used existing queue observations to calibrate the Synchro models. The Applicant should clarify how the existing conditions Synchro models were calibrated.

All study area intersections operate at the same LOS in the Build conditions as they do in the No-Build conditions. Several individual movements at unsignalized intersections operate at slightly lower LOS during the Build condition than in the No-Build condition, but this is universally due to an increase of delay of no more than two seconds.

22. The Applicant provided traffic analysis tables using evaluation criteria from the *2010 Highway Capacity Manual* (HCM). Analysis results are provided for signalized intersections and unsignalized intersections separately. HSH agrees with the analysis methodology.
23. As shown in Table 7 in the TIAS, the intersection of Commonwealth Avenue at Lexington Street currently has movements that operate over capacity ($v/c > 1.00$) that operate at LOS F. The Commonwealth Avenue eastbound left-turn movement currently operates at LOS F with a v/c ratio over 1.00. The intersection of Commonwealth Avenue/Auburn Street also has movements that operate over capacity

and at LOS F (the eastbound, westbound, and southbound left-turn movements). The Applicant should provide more information related to the cause of the high delays and v/c ratios for these movements to determine if there are any potential improvement strategies that can be considered.

24. Queue lengths are measured in number of vehicles (one vehicle typically accounts for 25 feet of queue length). Queue lengths appear to be reasonable for all study area intersections except for the Rowe Street southbound approach at the intersection of Commonwealth Avenue Carriage Lane at Rowe Street, which shows existing queue lengths of 25 vehicles. As the Applicant discusses in the TIAS, Synchro typically uses conservative analysis parameters, and may overestimate the length of an acceptable gap in traffic for vehicles turning from a minor roadway onto a major roadway. The Applicant should provide observed queue lengths at this location.
25. Table 8 in the TIAS indicates that the Rowe Street southbound approach to Commonwealth Avenue currently carries 229 vehicles per hour (vph) during the a.m. peak hour and 195 vph during the p.m. peak hour under Existing conditions and is expected to carry 260 vph during the a.m. peak hour and 215 vph during the p.m. peak hour under the Build conditions. This level of traffic indicates that it may meet the traffic volume thresholds for the peak hour traffic signal warrant. The Applicant should conduct a detailed traffic signal warrant analysis for this intersection to determine if signalization would be an appropriate improvement measure. This signal warrant analysis should also incorporate Project-generated trips traveling to/from the MassPike Interchange 16 that would use Commonwealth Avenue, Auburn Street, and Washington Street as discussed in Comment #19.

Mitigation - Commonwealth Avenue (Route 30) at Rowe Street

26. The Applicant has committed to providing the City of Newton with \$50,000 to improve the intersection geometry of the intersection of Commonwealth Avenue (Route 30 at Rowe Street). The Rowe Street southbound approach to the Commonwealth Avenue Carriage Lane flares out dramatically, possibly encouraging high speeds approaching the Carriage Lane. Improvements would create an extension of green space on the northwest corner of the intersection, realign the grass median between the Carriage Lane to improve lane use, combine the two existing access points to Commonwealth Avenue (Route 30), and remove parking to improve sightlines to the east of the intersection. HSH agrees that these changes would be a safety and operations improvement at this location in addition to the supplementary benefits of increased green space. The Applicant should specify the net change in number of parking spaces on the Commonwealth Avenue Carriage Lane as a result of the improvements. Also, as discussed in Comment #24, a detailed traffic signal warrant analysis should be conducted for this intersection.

Mitigation - Rowe Street Corridor

27. The Applicant has committed to making improvements on Rowe Street (east-west) between Rowe Street (north-south) and Crescent Street, which include repaving, restriping, signage, and, if approved by abutters, a sidewalk along the north side of Rowe Street. While HSH agrees that these improvements will be beneficial to the safety of the roadway, the Applicant should state whether the addition of a sidewalk will impact the on-street parking on one or both sides of Rowe Street. The Applicant should also consider traffic calming measures along Rowe Street to encourage lower vehicular speeds.

Transportation Demand Management (TDM)

28. The Applicant discusses several methods to minimize the number of vehicle trips and overall parking demand generated by the Project site. These methods include displaying public transit schedules in

public areas of the building, displaying walking routes to transit stations, providing secure bicycle storage, providing two Zipcar spaces, and improvement of sidewalks and other pedestrian infrastructure in the vicinity of the site. These are typical TDM measures for residential developments and HSH agrees with their implementation.

Parking Assessment (October 29, 2014 Memorandum)

29. The memorandum lists three sources for minimum parking space requirements: The City of Newton's zoning requirements, ITE's parking generation projections (from ITE's *Parking Generation, 4th Edition*), and two other residential developments in Newton. HSH agrees with these sources of parking supply parameters as guidelines for design.
30. The memorandum does not commit or propose a specific number of parking spaces on the Project site. The Applicant concludes that a parking ratio of 1.30 spaces per unit (176 spaces) would be appropriate for the site. In the Applicant's application for permit, dated November 5, 2014, a parking ratio of 1.35 spaces per unit (or 182 total spaces) is proposed. These figures include two at-grade spaces for car sharing (Zipcar) and two below-grade spaces for electric vehicle charging.

Of the 135 total units at the Project site, there will be 18 studios, 54 one-bedroom apartments, 49 two-bedroom apartments, and 14 three-bedroom apartments. This equates to an average of 1.6 bedrooms per unit. Apartments with two or three bedrooms are more likely to demand multiple parking spaces, as these apartments will likely be rented by multiple adults, possibly with children. Similarly, studios and one-bedroom apartments may be rented by a single tenant, and may only demand, at most, one parking space. HSH agrees with the parking supply for the site. The supply should be adequate to accommodate the overall parking demand.

Newton Zoning Requirements

31. The City of Newton's zoning requirements (Table 1 in the memorandum) state that residential developments shall provide at least two spaces per unit (270 total spaces). If a special permit is procured, this requirement may be as low as 1.25 spaces per unit (169 total spaces). Because 20% of the units in the Project will be affordable units (27 total units), the parking requirement reduces to 149 spaces with a special permit, since just 0.5 spaces per affordable unit is required under Newton's zoning code. The proposed parking supply satisfies the special permit parking requirements.

Newton Zoning Requirements vs. ITE Parking Generation

32. Table 2 (misabeled Table 1) in the parking assessment memorandum compares the required parking spaces by the City of Newton's zoning code and by the ITE's parking generation formula for low/mid-rise apartments (LUC 221). ITE projects that 1.23 spaces per unit will be required, resulting in a parking demand of 166 total spaces. HSH agrees with the Applicant's methodology for calculating the parking generation based on equations from *Parking Generation*.

Current Market Trends

33. The memorandum lists several market trends, as described by a study by Byrne McKinney & Associates, showing that, in general, parking demand is customarily lower overall than in previous decades. This is due in part to preference towards living in walkable, bikeable, and transit-oriented neighborhoods, availability of car sharing services such as Zipcar, availability of ride sharing services such as Lyft, and

increased desire and ability to work from home. The Applicant states that these factors cause the City of Newton's parking requirements to overstate the actual parking needs of residents. HSH agrees that these factors are viable; while the Project site's proximity to transit amenities may not allow residents of the Project site to choose not to own a car, it is likely that many families living at the Project site will opt to own just one car rather than two, reducing the overall demand. It is likely that the Project's parking demand will be significantly lower than the 2.0 spaces per unit required by the City of Newton's zoning code.

Empirical Data

34. In addition to the observed parking demand ratio at the two locations studied in Table 3, the Applicant should list the *provided* parking supply at each location for comparison.

Parking Demand Management

35. The memorandum lists several methods for managing the parking demand at residential developments, including car sharing, ridesharing, transit access, unbundling of parking cost from rent, and bicycle parking. The Applicant has committed to providing two Zipcar spaces as well as secure bicycle parking on-site. According to site plans provided, the Applicant proposes 47 covered bicycle parking spaces (0.35 per unit). The Applicant is also considering options for unbundling the cost of parking from the cost of rent. While unbundling the cost of parking from rent will likely help attract tenants who own less than two vehicles per unit, this may cause residents to use on-street parking in lieu of street parking.

Site Plan

36. The Applicant proposes 80 at-grade parking spaces at the Project site. Twenty-one of these spaces have been designated as compact vehicle spaces of 16 feet in length and eight feet in width along a 22-foot drive aisle. On the east side of the drive aisle, 12 standard spaces of 19 feet in length and 8.5 feet in width are provided south of the ramp to the below-grade parking garage. On the north side of the lot, 15 compact (16 feet by 8 feet) spaces are provided along the north side of a 22-foot drive aisle, and 29 standard (18 feet by 8.5 feet) spaces along the south side. Compact spaces make up 39 of the 80 at-grade spaces at the site (49%). In the below-grade garage, 51 of the 102 spaces (50%) are compact. In total, 90 of the 182 proposed spaces are compact (49%).

The City of Newton requires off-street parking spaces to be 19 feet long and nine feet wide, with a drive aisle of at least 24 feet. While the proposed parking layout does not conform to these standards, the standard parking space size proposed by the Applicant is typical for parking layouts in urban areas, where space is limited. The City of Newton zoning code does not discuss the use of compact spaces.

According to Weant and Levinson's *Parking*, which provides guidelines for parking dimensions, standard spaces should be 8.5 feet wide by 18.5 feet long with a 24-foot drive aisle. Compact spaces may be as small as 7.5 feet wide and 15 feet long with a drive aisle similar to that proposed at the Project site. However, it should be noted that the compact space dimensions assume a design vehicle of 14.5 feet in length and 5.5 feet in width, similar to a MINI Cooper, as opposed to the standard design vehicle (17.9 feet x 6.4 feet), similar to a Ford Taurus. While the compact spaces proposed by the Applicant are larger than these guidelines for compact spaces, it will be difficult for standard vehicles to maneuver into or out of these spaces, and some larger vehicles parked in compact spaces may extend into the drive aisle. As such, the Applicant may need to enforce against the use of compact spaces by larger vehicles, as this may cause adjacent spaces to become difficult or impossible to use. For comparison, the Town of Brookline requires compact spaces to be 18 feet long and 7.5 feet wide and the City of Cambridge requires compact spaces to be 16 feet long and 7.5 feet wide.

The Applicant should make efforts to reduce the ratio of compact spaces on the Project site. Where possible, the length of compact spaces should be increased so that vehicles do not intrude into the drive aisle.

Conclusions

The following is a summary of recommendations:

1. The Applicant should provide information related to motor vehicle crashes along Rowe Street in the vicinity of the proposed site driveways. (Comment #7)
2. The Applicant should identify the location of the closest stop (in terms of walking distance) from the Project site for each bus route located near the Project site. (Comment #8)
3. The Applicant should provide more information, similar to information provided for the Riverside MBTA Station Redevelopment (provided in the Appendix), on how trips were distributed for the Turtle Lane Playhouse Redevelopment. (Comment #12)
4. The Applicant should apply any planned lane use, signal timing, or roadway geometry changes associated with the Commonwealth Avenue Reconstruction Project to its No-Build and Build analysis if this information is available. (Comment #14)
5. The Applicant should provide more information related to the impact that the increase of vehicle trips will have on Rowe Street. (Comment #17)
6. The Applicant should review the trip distribution and assignment for trips to/from the MassPike Interchange 16. (Comment #19)
7. The Applicant should discuss how local trips (trips originating and ending within the City of Newton) were distributed within the network. (Comment #19)
8. The Applicant should provide the reasons for the lack of desirable ISD at the emergency access driveway. If the impediment to intersection site distance at the Project site's emergency access driveway is able to be removed or altered, HSH suggests that this measure be taken to assure adequate sight distance. (Comment #20)
9. The Applicant should clarify how the existing conditions Synchro models were calibrated. (Comment #21)
10. The Applicant should provide more information related to the cause of the high delays and v/c ratios for certain movements to determine if there are any potential improvement strategies that can be considered. (Comment #23)
11. The Applicant should provide observed queue lengths at the intersection of Commonwealth Avenue Carriage Lane at Rowe Street. (Comment #24)
12. The Applicant should conduct a detailed traffic signal warrant analysis for the intersection of Commonwealth Avenue/Rowe Street. This traffic signal warrant analysis should incorporate any expected Project-generated trips expected to travel through the intersection. (Comment #25)
13. The Applicant should specify the net change in number of parking spaces on the Commonwealth Avenue Carriage Lane in the vicinity of Rowe Street as a result of the proposed mitigation. (Comment #26)
14. The Applicant should state whether the addition of a sidewalk will impact the on-street parking on one or both sides of Rowe Street. (Comment #27)
15. In addition to the observed parking demand ratio at the two locations studied in Table 3, the Applicant should list the *provided* parking supply at each location for comparison. (Comment #34)
16. The Applicant should make efforts to reduce the ratio of compact spaces on the Project site. Where possible, the length of compact spaces should be increased so that vehicles do not intrude into the drive aisle. (Comment #36).

City of Newton



DEPARTMENT OF PUBLIC WORKS

TRANSPORTATION DIVISION

110 Crafts Street
Newton, MA 02460Setti D. Warren
Mayor

DATE: December 10, 2014
TO: Alexandra Ananth, Chief Planner for Current Planning
FROM: William G. Paille, Director of Transportation
RE: **Traffic Impact Study Report – 70 Rowe Street Development**

The Transportation Division was provided two documents related to this project including the Comprehensive Permit Application, submitted by Dinosaur Rowe LLC, dated November 5, 2014 that includes the Traffic Impact Study (TIS) prepared by Vanasse Hangen Brustlin, Inc. (VHB); and the TIS Appendix also prepared by VHB, dated November 2014. The Transportation Division submits the following with respect to our primary concerns:

- The TIS report assumes 14.6% transit, 10.1% bike/walk and 8.1% work at home share, resulting in adjusted new daily vehicle trips from 942 to 616 (Section 11, Future Conditions, Table 4, page 16). Although the percentage of those residents working at home appears reasonable based on the U.S. census data, the percentages for transit and bike/walk appear higher than expected for a residential building of this type given its proximity to public transportation. As stated in the TIS, the Commuter Rail, Express Bus Route 505, Bus Route 553, Bus Route 554 and Express Bus Route 170 provide stops approximately ½ mile from the proposed site. However, the City concurs with Howard/Stein-Hudson, Inc. (HSH), traffic study peer reviewer, that the actual walking distance is slightly longer than ½ mile. As a result, we believe this may deter use of public transportation and encourage vehicle use and thus require more parking capacity on the site.
- The TIS report credits 62 vehicle trips toward the adjusted new vehicle trips of 616 that results in a net new trips of 544 despite the fact the report states the site is no longer active (Section 11, Introduction, page 1 & Future Conditions, page 14). First, the value of net new trips of 544 shown in Table 4 is actually incorrect and should be 554. Second, there should be no credit due to the fact these vehicles are not entering/exiting the site currently and therefore the actual net new trips should be 616.
- The TIS report states 70 total trips occurring during the morning peak hour and 92 total trips during the evening peak hour for a total of 162 trips during a normal weekday (Section 11, Table 3, page 15). Assuming a net of 616 new daily trips, there is approximately $916 - 162 = 754$ remaining trips to/from the site that will likely occur over a 12-14 hour period (not 24 hours as

implied in the TIS) that we believe will have a significant impact along Rowe Street and several intersections within the study corridor.

- The TIS cites two projects to substantiate their recommended parking ratio of 1.30: Avalon at Newton Highlands; and Avalon at Chestnut Hill. Although the size of these developments are similar to what is proposed at Rowe Street, their proximity and accessibility to public transportation suggests these examples may not be a good representation for comparison. The City requests the Applicant provide additional sites having similar percentages of transit/bike/walk/work at home to the proposed site to better understand the parking demand at this location.
- The TIS report identifies specific improvements along the section of Rowe Street in front of the proposed site as well as the intersection of Commonwealth Avenue and Rowe Street both of which would likely result in an improvement in access and circulation. However, there is concern at the Comm. Ave./Rowe St. intersection with respect to sight distance, ability for large vehicles to (i.e. trucks) to maneuver thru the intersection, storage capacity and ability to handle the volume of vehicles that would likely be utilizing this intersection. The TIS report summarizes the future trip distribution in Table 5 (Future Conditions, page 17) as follows:

Comm. Ave WB – 17%

Comm. Ave. EB – 20%

Rte 16 WB – 17%

Rte 16 EB 40%

Lexington St. NB – 1%

Lexington St. SB – 5%

We believe a majority of traffic will access the site via Commonwealth Avenue/Rowe Street which is not reflected in the TIS, as it reveals a future Level of Service A at this location. As the TIS reveals, there is no question each intersection within the study area will be impacted by this project, some more than others.

It should be noted the City is currently evaluating and developing designs for specific intersections in Auburndale Square including Commonwealth Ave/Lexington St, Commonwealth Ave/Melrose St, Lexington St/Wolcott St, and Lexington St/Auburndale Ave. In addition, the City is currently evaluating and developing specific improvements in West Newton including the intersection of Washington St/Auburn St.

Specifically, there is concern this project is going to impact three key non-signalized intersections including Commonwealth Ave/Rowe St, Rowe St/Rowe St. and Webster St/Rowe St due to the substantial increase in daily vehicular traffic as well as pedestrian/bicycle use. Specific improvements will be required with respect to traffic control, bicycle/pedestrian accommodation, available paved width (lanes and shoulders), crosswalks, ADA/AAB compliance, sight distance, sidewalk width/condition and lighting.

For these reasons, the City believes the improvements at the intersection of Commonwealth Avenue and Rowe Street (estimated at \$50,000) proposed by the Applicant is insufficient to address traffic/pedestrian/bicycle circulation and safety. Additional field work will be necessary to assess existing conditions at intersections and along several streets, traffic/warrant analysis, topographical survey, design, approvals and implementation either with City forces or a General Contractor.

- There is concern regarding the effectiveness of Transportation Demand Management (TDM) plan as discussed in the TIS report. Although the City supports the use/display of public transit schedules, walking routes and stops, accommodating/promoting bicycles and car share, we do not believe this is sufficient to reduce the total number of vehicle trips generated from this site. There should be a discussion of possible implementation of other options such as bike share, shuttle service, and incentives for residents regarding discounted bus, 'T' or Commuter rail fares/passes, etc.



**Massachusetts
Housing
Partnership**

October 30, 2014

Mr. Scott Oran
Mr. Mark Dufton
Dinosaur Rowe LLC
c/o Dinosaur Capital Partners LLC
800 Boylston Street, 26th Floor
Boston, MA 02199

160 Federal Street
Boston, Massachusetts 02110
Tel: 617-330-9955
Fax: 617-330-1919

Re: 70 Rowe Street, Newton, MA (the "Project") - Determination of Project Eligibility Under Permanent Rental Financing Program

Dear Mr. Oran and Mr. Dufton:

462 Main Street
Amherst, Massachusetts 01002
Tel: 413-253-7379
Fax: 413-253-3002

www.mhp.net

This letter is in response to your request for a determination of Project Eligibility under the provisions of the Commonwealth of Massachusetts comprehensive permit process (M.G.L. Chapter 40B, 760 C.M.R. 56, and the Massachusetts Department of Housing and Community Development's Comprehensive Permit Guidelines) (collectively, the "Comprehensive Permit Rules") for the above-referenced Project. The Project, as proposed in your application dated July 1, 2014 and amended on October 10, 2014 and October 15, 2014, shall consist of one hundred fifty (150) rental housing units, consisting of twenty-two (22) studio units, sixty-two (62) one-bedroom units, fifty-one (51) two-bedroom units and fifteen (15) three-bedroom units located in one building at 70 Rowe Street in Newton, Massachusetts on 2.51 acres. The Project will also include a landscaped courtyard and children's play area. The land is currently occupied by a vacant two-story office building, two single story outbuildings and over 1.5 acres of paved outdoor storage.

In connection with your request, and in accordance with the Comprehensive Permit Rules, MHP has performed an on-site inspection of the Project, and has reviewed initial pro forma and other pertinent information submitted by Dinosaur Capital Partners LLC on behalf of its ownership entity, Dinosaur Rowe LLC (the "Applicant"), and has considered comments received from the City of Newton and other parties.

Based upon our review, we find the following:

- (i) The Project, as proposed, appears generally eligible under the requirements of MHP's Permanent Rental Financing Program (the "Program"), certain terms of which are set forth on Exhibit A, attached hereto, subject to final approval.
- (ii) The site of the proposed Project is generally appropriate for residential development. The location provides nearby access to nearby public transit as well as to Route 128 and the MassPike for employment opportunities. The site is also convenient by foot to nearby retail services and the Auburndale and West Newton village centers. The availability of existing water and sewer infrastructure on the site is consistent with sustainable development principles.

The City of Newton does not currently have a Housing Production Plan. The City has encouraged the development of affordable housing through the Local Initiative Program (LIP) and through its inclusionary zoning ordinance.

Generally, multi-family housing can only be built in the City with a special permit. The City of Newton's Subsidized Housing inventory is 7.5%.

- (iii) The proposed conceptual Project design is generally appropriate for the site. The "C" shaped building has been positioned to maximize the programmed open space for the residents as well as to create the maximum distance from neighboring residents. The building will create a street wall which mirrors the siting of commercial buildings adjacent and across the street from the parcel along Rowe Street. The building is stepped down to three stories at the corners to transition to adjacent residential properties. Of the 200 proposed parking spaces, 105 will be located under the building along with 95 surface spaces. Two of the proposed parking spaces will be designated for car-sharing and two spaces will provide electric car charging facilities. The central courtyard will provide a focal point for residents and house the building's outdoor amenities. The revised site plan provides for a walking trail and children's play area which will be open to the public along the east side of the site. The building's common indoor amenity spaces will provide some opportunities for community use.

MHP expects that the City of Newton's concerns regarding traffic and parking; the preservation of existing mature trees; and storm water management will be addressed through the comprehensive permit process. The Applicant is required to submit parking/traffic studies and a tree conservation plan with its application for a comprehensive permit.

- (iv) Based upon comparable rentals and potential competition from other projects, the proposed Project appears financially feasible within the Newton market.
- (v) The Project appears financially feasible on the basis of estimated development and operating costs set forth in the initial pro forma provided by the Applicant and a land value determination consistent with the Comprehensive Permit Rules. In addition, the Project budgets are consistent with the Comprehensive Permit Rules relative to cost examination and limitations on profit and distributions.
- (vi) The Applicant is a single-purpose entity and will be subject to MHP's limited dividend requirements. The Applicant meets the general eligibility standards of the Program; and
- (vii) The Applicant controls the site through a Purchase and Sale Agreement.

This letter is intended to be a written preliminary determination of Project Eligibility under the Comprehensive Permit Rules, establishing fundability by a subsidizing agency under a low and moderate income housing subsidy program, which qualifies the Project for consideration for a Comprehensive Permit under M.G.L. Chapter 40B.

This preliminary determination of eligibility is subject to final review of eligibility and final approval by MHP, and is expressly limited to the specific Project proposed in the request for determination of Project Eligibility submitted to MHP and subject to the minimum affordability and additional requirements set forth in Exhibit A hereto. The requirements of the Comprehensive Permit must not result in a loan to value ratio exceeding MHP requirements. Changes to the proposed Project, including without limitation, alterations in unit mix, proposed

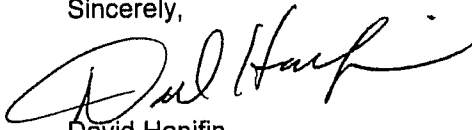
rents, development team, unit design, development costs and/or income restrictions may affect eligibility and final approval. Accordingly, you are encouraged to keep MHP informed of the status and progress of your application for a Comprehensive Permit and any changes to the Project that may affect program eligibility and/or financial projections. In addition, MHP requires that it be notified (1) when the applicant applies to the local ZBA for a comprehensive permit; (2) when the ZBA issues a decision; and (3) when any appeals are filed.

Please note that this preliminary determination of Project Eligibility is not a commitment or guarantee of or by MHP for financing, either expressed or implied, and, in the event that you determine not to apply to MHP for permanent financing and/or in the event that your application for permanent financing with MHP is denied, this letter shall be of no further force and effect. Also, please note that this letter shall be of no force or effect if the applicant has not filed for a Comprehensive Permit within two years of the date of this letter.

Final review and approval under the Comprehensive Permit Rules will be undertaken by MHP only in conjunction with an application to MHP for permanent mortgage financing for the Project. After the issuance of a Comprehensive Permit for the Project, MHP would be pleased to entertain a request for permanent mortgage financing pursuant to and in accordance with MHP's standard underwriting process. At that time, MHP shall require a complete loan application, a copy of the decision of the ZBA and any amendments thereto, a copy of the decision, if any, by the Housing Appeals Committee and revised preliminary plans and designs, if applicable, as well as such additional documents and information as is required as part of the loan underwriting process.

Should you have any comments or questions concerning this letter, please do not hesitate to call me at 617-330-9944 x338.

Sincerely,



David Hanifin
Senior Loan Officer

cc: Christine McClave, Acting General Counsel, Department of Housing and
Community Development
Setti D. Warren, Mayor, City of Newton
Harvey A. Creem, Chair, Zoning Board of Appeals, City of Newton
James Freas, Acting Director, Planning and Development Department, City of Newton

EXHIBIT A

**Affordability
Requirements:**

At least thirty (30) of the units must be affordable to households earning up to fifty percent (50%) of the median area income. Such units shall include a mix of bedroom sizes satisfactory to MHP. The affordability requirements will be documented through an affordable housing agreement that will be recorded prior to the mortgage and shall create covenants running with the Property for a minimum period of thirty (30) years.

**Limited
Dividend
Policy:**

The owner must comply with MHP's limited dividend policy.